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ABSTRACT

The purposes of this study were to: (1) analyze and categorize legal differences among public 2-year college systems; and (2) analyze selected institutional variables to determine the extent of operational differences among them. For the first purpose, state constitutions and statutes were analyzed; for the second, data were collected by mailed questionnaires soliciting data on chief administrators, deans of instruction, academic faculty, students, and financing from institutions operating under the identified legal structures. Where appropriate, data were statistically analyzed to determine the significance of differences among legal structures. Only four state constitutions contain significant references to 2-year colleges: two contain provisions for financing them and two provide for the creation of statewide systems. Statutory analysis revealed that 40 states provide for public 2-year colleges. Control, concept, establishment procedures, and financing differ greatly among the states, but trends are noted. For analysis of operational differences, questionnaires were mailed to 237 public 2-year colleges in 22 states representing six legal structures. The returns and data were anlyzed and reported. On the basis of these analyses, it was concluded that marked differences among such legal structures do exist. (Author/AL)

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AN ANALYSIS OF SELECTED LEGAL AND OPERATIONAL DIFFERENCES AMONG PUBLIC TWO-YEAR COLLEGE SYSTEMS

Charles F. Ward

Division of Occupational Education
North Carolina State University at Raleigh

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PREFACE

Arising from an increased emphasis on providing better and more relevant education for more people, the two-year college has grown and expanded faster than any other type of educational institution in the United States. Although the idea of a two-year college system is uniquely American, there is no such thing as an "American" system. There are nearly as many approaches to the operation of a system of two-year colleges as there are states. This paper reports on the first comprehensive study made of the differences among the states regarding the structure and operation of public two-year colleges.

The Center wishes to thank Dr. Ward for undertaking the major task of compiling and presenting this information, the first published nationwide study of its kind. The Center is also indebted to Mrs. Sue King for editing the manuscript, and to the entire Center clerical and technical staff for their efforts toward the publication of this paper.

John K. Coster
Director

SUMMARY

The purposes of this study were to: (1) analyze and categorize legal differences among public two-year college systems; and (2) analyze selected institutional variables to determine the extent to which operational differences exist among these systems.

For the first purpose, state constitutions and statutes were analyzed. For the second purpose, data were collected by mailed questionnaires soliciting data on chief administrators, deans of instruction, academic faculty, students, and financing from institutions operating under the identified legal structures. Where appropriate, data were statistically analyzed to determine the significance of differences among legal structures.

Only four state constitutions contain significant references to two-year colleges: two contain provisions for financing such systems, and two provide for the creation of statewide systems. The major implication for two-year colleges is the restrictive wording of some constitutions. Several, unless or until amended, exclude educational institutions and/or clientele other than those specified.

Statutory analysis revealed that 40 states provide for public two-year colleges. Current statutes were analyzed in terms of: (1) institutional concept; (2) state control; (3) local control; (4) establishment procedures; and (5) financing. Control, concept, establishment procedures, and financing differed greatly among the states, but trends were noted. It was concluded that: (1) major legal differences do exist; and (2) the last decade has seen a trend away from operation as a part of the local public school system. Original legislation during this period tended toward affiliation with higher education as a part of a statewide system or as an extension of a college or a university; evolved structures tended toward separate state boards of control, with or without local control.

For analysis of operational differences, questionnaires were mailed to 237 public two-year colleges in 22 states representing six legal structures. A return of 72.15 per cent was obtained.

Statistically significant differences exist among the legal structures for: (1) chief administrators: mean tenure, sources of past employment, highest degree held, and type of doctorate held; (2) deans of instruction: whether the position exists and mean age; (3) academic faculty: sources of recruitment, highest degree held, and presence of tenure and faculty rank; (4) students: distribution among academic, technical, and vocational programs, tuition costs, entrance requirements, and provision of remedial instruction; and (5) institutions: presence of academic, technical, and vocational programs, sharing of facilities with public schools, and mean institutional age. Data on financial provisions were not suitable for statistical analysis,

but substantial differences in the proportion of operating expenses for the various programs derived from tuition and federal, state, and local funds were noted, as were differences in the proportion of capital outlay monies derived from federal, state, and local sources.

On the basis of these analyses, it was concluded that marked differences among such legal structures do exist. Studies should be undertaken to determine: (1) between which specific legal structures such differences exist; and (2), more importantly, why they exist.

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CHAPTER I

INTRODUCTION

The most uniquely American and fastest growing type of educational institution in the United States is the post-high school, two-year college. It is variously called a junior college, a community college, or a community junior college. By whatever name, it has been described as the most significant contribution the United States has made in the entire history of education (Hillway, 1958).

Compared with other types of educational institutions, the two-year college is very young and primarily a product of the 20th century. The coinage of the term "junior college" has been attributed to William Raney Harper, the first president of the University of Chicago. In 1892 he organized the University of Chicago into the "University College" which consisted of the junior and senior years and the "Academic College" which encompassed the freshman and sophomore years. In 1895 the terms "Senior College" and "Junior College" were substituted for University College and Academic College, respectively (Brick, 1964).

In 1900 there were eight private junior colleges in the United States and no public junior colleges. The total enrollment of the eight private institutions was approximately 100 students (Brick, 1964). By 1930 the number of junior colleges had grown to 436, of which 178 were public and 258 were private. During the last 37 years, the number of private junior colleges has remained fairly constant, but the number of public two-year colleges has increased rapidly. By the fall of 1966 there were about 800 junior colleges in the nation; of this number, over 500 were publicly supported (Gleazer, 1966). Two years later there were over 900 two-year colleges enrolling 1.75 million students; soon the number of two-year colleges is expected to exceed 1,000, accounting for an enrollment of 2.5 million students.[1]

Enrollment in the two-year college is not only impressive in terms of gross increase; it accounts for an ever-increasing percentage of the total enrollment in higher education. In 1920 the two-year colleges accounted for 1.4 per cent of the total enrollment in higher education; by 1940 the proportion had increased to 10 per cent. In 1965, 15.2 per cent of all students enrolled in higher education were enrolled in the two-year colleges, and it is estimated that by 1975 the proportion will have increased to 16.9 per cent. Since two-year colleges ordinarily offer only lower division (freshman and sophomore) courses, a comparison of undergraduate (senior, junior, sophomore, and freshman) and lower division enrollments is actually more indicative of their increasing importance. In 1965 the two-year colleges enrolled 17 per cent of all undergraduate students, and it is estimated that

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[1]These data were taken from a weekly publication of the National School Public Relations Association, Education, U.S.A., Washington, D. C., March 4, 1968, p. 2.

the proportion will increase to 19.2 per cent by 1975. No firm data are available on lower division enrollment in two-year colleges, but an estimate of 30 per cent has been made (Congress, 1967).

Of equal importance is the enrollment within the two-year colleges in technical and vocational programs. If students in these programs are included in lower division enrollment, such enrollment in the two-year colleges would probably be in excess of 35 per cent of the total lower division enrollment in all higher education.

To emphasize the ascending importance of the public over the private two-year college, one has only to consider that although almost one-third of the two-year colleges are private, almost 90 per cent of the total enrollment in two-year colleges is in public institutions. The day of the public two-year college has indeed arrived!

As the public two-year college has evolved over the last 50 years, it has become increasingly comprehensive in nature. Institutions which initially offered only college transfer courses have expanded into the technical, vocational, and adult education fields. Most of the new institutions that are being created today are comprehensive from the time of inception. As the institutions become more comprehensive, they also become more attuned to the needs of the community in that they attempt to meet the educational and cultural needs of the geographical area of which they are a part; in this sense, and generally speaking, the two-year college has come to be a community institution--it strives to fulfill all the educational and cultural needs of the community which are unmet by other educational institutions.

Although the two-year college is described in the preceding paragraphs as being uniquely American, there is certainly no unique two-year college. In this country an apparent dichotomy exists between private and public educational institutions. To limit an analysis of two-year colleges to this categorization would, however, be completely inadequate. One writer recently completed a study for the American Association of Junior Colleges which necessitated his visiting many two-year colleges around the country. The extent of the diversity of this type of institution is evidenced in his description of institutions visited. Without including subcategories, he enumerated the following categories of public two-year colleges: (1) a college in a large city system (one unit in a multi-unit organization under one central administration); (2) a college in an urban area with broad college concept and programs; (3) a multi-campus district with already planned additional campuses; (4) a rapidly growing college in an essentially nonurban area; (5) a technical college or institute; (6) a non-urban college, with administrative organization still a part of the public school system; (7) a college moving with difficulty toward establishment of greater local control, a separate board of trustees, and greater local financial support; (8) a rapidly growing public college, one of a state system, with state board and local advisory committees; (9) a coeducational, largely residential college; and (10) an independent

college moving toward public support (Garrison, 1967). It can be seen from this enumeration that there is no single concept that can adequately describe the two-year college.

Controversy over the role and the place of the two-year college has apparently existed since the inception of such institutions. Brick (1964), in writing on the historical development of the two-year college and the central role played by the American Association of Junior Colleges, cited the works of two early and prominent leaders in the movement, Koos and Eells. Koos (1924), who published the first major work on the then new junior colleges, contended that they were a part of secondary education. Eells (1931) agreed that the two-year college was essentially secondary but differentiated it from the high school. Other people in the early stages of the two-year college movement contended just as strongly that such institutions were a part of higher education. The conflict is unresolved today and is still widely debated in the literature.

One author who recently attempted to put the legal status of the two-year college in perspective stated:

> Whenever attention is turned upon community colleges, the wide diversity of types of community colleges in the United States is immediately apparent, as are the divergent patterns of legislation upon which these institutions are based in the several states. These characteristics are at once a strength and a weakness. A strength in the flexibility and freedom from fixed patterns of organization or traditions of operation; a weakness in the difficulty of interpreting the junior college, of finding a "fixed image" for public understanding of the junior college and its services (Skaggs, 1962).

During the last decade there has been a decided trend toward more state control and more statewide systems of two-year colleges. Skaggs (1959) cited several pieces of legislation in support of his conclusion that there was at that time a trend toward greater central control of the two-year colleges. This trend was evidenced, he said, in both legislative statutes and regulations or policies imposed upon the two-year college by state-level agencies.

Wattenbarger (1968) lamented the fact that there was an ever increasing change in patterns of control of two-year colleges from local to state. He cited the states of Kentucky, Massachusetts, Minnesota, and Virginia as examples of states which have recently established a new system of two-year colleges under state control. He cited other states in which there has recently been a legislative trend toward statewide coordination, if not state control. This trend, he stated, was evident in spite of study after study (which he failed to cite) which emphasized the need for local control and indicated

considerable definable differences in quality in favor of locally controlled institutions.

Blocker, et al. (1965) devoted an entire chapter of a recently published book to "control and financing of the two-year college." With somewhat more perspective than Wattenbarger, Blocker enumerated several problems which he felt existed because of the absence of needed legislation or because of limited perceptions incorporated into state laws. There has been, he concluded, an unjustifiable amount of legislative and administrative intrusion into curriculum and a discernible trend toward more stringent administrative direction and control at the state level. Some of this control was, in his opinion, an outgrowth of legislation, but a larger part appeared to have its origin in "Parkinson's Law" and the lack of a clear distinction between state and local responsibility. He cited, as an example of this, states which had made provisions for capital outlay and then imposed rules and regulations regarding instruction, building design, and equipment. Blocker summarized by saying:

> . . . It is apparent that there are numerous cooperating and competing legal bodies on the local, state, and federal levels which affect the development and functioning of the two-year college. . . . There are conflicts between the proponents of local control and those advocating state-level control and both groups feel the impact of federal direction--however indirect it may be--through financial aid. There are decided differences among groups with respect to the values and objectives being sought and these differences lead to power struggles within the system. In many instances, such struggles seriously reduce the productivity of the educational institution, distracting the energies and attention of educational personnel from the primary purposes of the college. . . .

Nature of the Problem

It is apparent that there has been, especially during the last decade, a decided trend toward more state participation in and control over the operation of two-year colleges, though there still exist several approaches to legal structure and control of these institutions. Apparently, advocacy of a particular approach to legal structure and control has depended more on emotional inclination or an individual's position in the structure than it has upon concrete data which define the difference in structure.

If one accepts the premise that the two-year college needs a unique image, a point of debate which arises is which image: that of a public secondary school, that of an institution of higher education, or that of an institution with an entity separate and apart from both

the public school system and higher education? Even if one fails to agree on the need for a unique image, there still exists the need to be able to identify concrete differences which distinguish one system from another. Image is a rather nebulous and abstract term. More central to the issue is the question of what quantifiable variables exist among and between the various approaches to structuring systems. A subsidiary question which arises is whether three systems, as mentioned above, are adequate to describe sufficiently the various shadings in legal structure which may affect systems directly or contribute to variables which may have indirect effect upon a system as a class of institutions. If one type of system tends to differ inherently from another because of the legal structure to which it belongs, then those who advocate changes in the legal structure should be aware of these differences. If the legal structures of the various systems tend to induce differences in such quantifiable variables as, for example, institution size, work experience or academic qualifications of administrators or faculty, operating philosophy, breadth of curricular offerings, or comprehensiveness of programs, then this knowledge should be available to legislators and educators who advocate change and to the laymen who may participate in the control of such institutions as well. Such knowledge could be used to advocate either change or the maintenance of the status quo. In any event, the objective of all logical decision-making is to operate from a position of knowledge and not from a position founded upon emotional inclination.

Purposes of the Study

There were two purposes of this study. The first purpose was to analyze the legal bases for two-year colleges in the various states to determine the number of categories necessary to describe uniquely the various approaches to the legal structure of two-year colleges, to determine and define the variables which make or may tend to make one system different from another, and to ascertain legislative trends regarding legal structure. The second purpose was to develop a number of quantifiable criteria which measure inputs or outputs of operating institutions in the various systems as identified, classified, and analyzed in the first purpose above.

Before an analysis of legal structure was attempted, and as a preliminary condition to the development of quantifiable criteria by which inputs or outputs of operating institutions could be measured, a review of the pertinent literature was undertaken. The purpose of the literature review was to ascertain the nature and conclusions of previous studies bearing on the problem and to ascertain what criteria were considered to be important to either the legal structure or the operation of public two-year colleges. The results of the literature review are presented in the following section.

Review of Related Literature

Literature reviewed revealed that the results of several studies and articles containing analyses bearing on various facets of the problem as stated in the previous section have been published. They fell into two major categories. The first category contained materials bearing on the various aspects of legal structure and control and corresponded to the first part of the problem as stated above. Included in this category were articles and studies on establishment, control, finance, and organization of two-year colleges. The second major category of articles and studies corresponded to the second part of the problem as stated in the preceding section. Included in this category were studies pertaining to academic qualifications, sources, or backgrounds of faculty or administrators, tenure, faculty rank, and certification. To facilitate analysis, literature reviewed has been grouped under the following headings: (1) legal structure and control; (2) financial provisions; (3) sources and qualifications of chief administrators and deans; (4) sources and qualifications of faculty; (5) faculty rank; and (6) certification requirements.

Legal Structure and Control

According to Wetzler (1958), the community college has four major functions: (1) the preparatory function; (2) the popularizing function; (3) the terminal function; and (4) the guidance function. Even so, Wetzler contends, there is a need for better clarification of purposes which are more in accord with actual practices. He suggested: (1) perhaps new functions need to be added or older ones revised; (2) a firm determination of the relationship to higher education must be made; (3) total relationships and general functions should be better defined; and (4) the role of the high school and its relationship to the junior college needs to be decided upon and understood.

Commenting on various approaches to control of two-year colleges, Skaggs (1959) listed five patterns which he felt mainly covered the patterns utilized by the various states. His five categories were as follows:

1. Local control by governing board made up of junior college area citizens, but whose actions are subject to review by a state board or department, or who must operate under a complicated system of checks and balances through state regulations.
2. Local control by governing board appointed by or with the approval of a state board, cabinet, or department, whose members are subject to regulatory practices of the state organization.

3. State control through a state department or a state board of education, through a college advisory board or committee or a local board without actual authority to govern.
4. State control through a state board of control or a state board of trustees for all institutions of higher learning.
5. State control directly through a department in the state department of education.

Skaggs cited several pieces of legislation which supported his conclusion that there was a trend toward greater centralization of control in higher education, including junior colleges. This central control, he said, was evident in both legislative statutes and regulations or policies imposed upon the junior college by state-level agencies. This control was essentially of two types, control over conditions of establishment and control over various facets of curriculum, faculty, admissions policy, and permissive authority for internal operation and policy-making.

The United States Office of Education has published two booklets concerned with criteria for the establishment of two-year colleges. The first was published in 1960 and examined such criteria as necessity of state agency approval, requirement of a vote, requirement of a minimum property valuation, requirement of a survey, requirement of a minimum school enrollment, and requirement of a minimum total population as being requisites for establishment of two-year colleges in various states. The second booklet was published in 1966 and is essentially an updated version of the first. Neither of these publications was based upon a study of primary sources, i.e., statutes. Fach involved the mailing of either a questionnaire to state officials or a compilation of data from various sources and a request that state officials verify the data. Also included in each booklet were criteria based upon rules and regulations established by state agencies which, although authorized by statute, went much further than the statutes in promulgating criteria for establishment of two-year colleges.

Struthers (1963) recently did a study of the evolvement of state legislation for public two-year colleges which included the period 1907, when the first legislation concerning two-year colleges was enacted, to 1961. He grouped states into categoreis which coincided with the boundaries of the six regional accrediting associations and on this basis analyzed the evolvement of the legislation. The legislation in each state was examined in terms of institutional concept, establishment, and finance. Struthers concluded that early laws relating to two-year colleges considered such institutions to be merely an upward extension of the public high school offering only academic or transfer programs. He found that the initial laws in 21 states, beginning with California in 1907 and continuing to Connecticut in 1959, were based upon such a concept. The concept of adding vocational and technical offerings began in California in 1917, and by 1962 laws in 24 states had evolved to include this concept. Additional functions, such as adult education and community services, were less numerous, evolved

later, and at the time of the writing were offered in only 16 states. Generally, the trend in establishment and finance of such institutions also evolved from local action and involvement to state surveys, master planning, and an increasing proportion of state funds. Struthers recommended that further research should include analysis of the actual effects of the laws on statewide systems of two-year colleges, and efforts should be made to account for various other factors entering into their development.

The Commission on Legislation of the American Association of Junior Colleges (1962) authored a set of seven principles to which it suggested adherence by state legislatures in the development of laws for two-year colleges. Those seven principles are:

> Principle 1. Community junior colleges should be established in accordance with an over-all state plan for higher education which provides for diversified educational programs and a geographic distribution of opportunity.
>
> Principle 2. A local community junior college should be established only subsequent to a survey which will determine the relationship of the proposed district to the state plan and the readiness of the proposed district to accept its share of responsibility.
>
> Principle 3. The Legislature should establish a state agency with responsibilities for approving the establishment of a community junior college in accordance with the state plan or should assign such responsibility to an existing state agency which has over-all supervisory authority.
>
> Principle 4. The control of a community junior college should be vested preferably in a local board whose sole responsibility is the operation and management of the college.
>
> Principle 5. Community junior colleges should have assurance of continued financial support with a minimum tuition burden on the student and with a division between state and local support in keeping with the general fiscal pattern of the state.
>
> Principle 6. The program of community junior colleges should contribute to meeting the diverse post-high school education needs of the community and the state.
>
> Principle 7. The organization, operation, and control of community junior colleges should reflect both a recognition of the institutional integrity of the college and its coordinate relationships with other educational levels within the state.

In conformity with the above principles the Commission recommended 13 steps to be followed in the establishment of two-year colleges. These steps are: (1) authorization by the legislature of a study of the higher education needs of the state; (2) appointment of the study commission and professional survey staff; (3) report of the study commission received by the governor and/or legislature; (4) adoption by the

legislature of the state master plan recommendations; (5) enactment of state enabling laws for the establishment of community junior colleges, including plans for organization, financing, operation, and type of control; (6) initiation of a local survey; (7) report of local survey recommendations; (8) request for state agency approval of a local plan; (9) state approval of a local plan; (10) acceptance of a plan through affirmative vote of local electorate; (11) election or appointment of a local board of control; (12) organization of the community junior college--appointment of the president, site acquisition, curriculum development, staff selection, receipt of state and local funds; and (13) enrollment of students.

An entire chapter of the sixth edition of American Junior Colleges was devoted to the legal status of public two-year colleges. Martorana (1963) considered legal foundations, organization and control, establishment, and financial support of such institutions. At the time of the writing (1962), in only one state, California, was there a constitutional reference to the two-year college; all the other 38 states having provisions for two-year colleges relied upon legislative enactment. Martorana concluded that although two-year colleges were rarely mentioned in state consititutions, their constitutionality appeared to be firmly established in that the courts have consistently upheld legislative action in cases questioning the constitutionality of these institutions.

In terms of local organization and control, 21 states were cited as having unified districts which provided that the same board of control operate both the two-year college and the public schools, whereas 20 states had at that time approved separate junior college districts with separate boards of control. State-level control in 20 of the 33 states with general enabling legislation was placed in whole or in part in the state board of education. During 1960-62, five states assigned state-level responsibility for two-year colleges to the state board of education, whereas two states removed responsibility from the state department of education. One state created a separate board for two-year colleges.

For the establishment of two-year colleges, two stipulations commonly required were adequate potential size of the institution and an adequate basis for financing its operations. A minimum population base which varied widely was required in nine states, minimum lower school enrollment in one state, minimum high school enrollment in nine states, and a minimum potential enrollment in two-year colleges in two states. At least a specified minimum assessed property valuation was required in ten states, and 21 states required voter approval. Local action on the part of the local board of education, another local board of agency, petition of the people, and a district survey were required in 23, 13, 15 and 11 states, respectively. State action on the part of the state board of education, state department of education, state board of higher education, or board for two-year colleges was required, respectively, in 13, 7, 7, and 5 states.

The most commonly accepted way to finance the operation of two-year colleges was through state and local public funds, Martorana found. Twenty-eight of 38 states provided financial aid for the operation of two-year colleges, and this state aid was most often determined by means of a formula based on a unit of attendance. For capital outlay, only 14 of 38 states provided state funds; in seven of these states appropriation of capital outlay was based on a formula, whereas in the other seven states lump-sum appropriations were made.

Finally, Martorana concluded that more and more states were categorizing public junior colleges as comprehensive two-year educational institutions immediately above the high school and were incorporating these institutions into the state structure of post-high school education. Two major questions raised by the author concerned the extent to which two-year colleges might be used as the first step in developing four-year colleges and the divergence between the theoretical conceptions of the two-year college and their actual forms as defined by state laws. In Martorana's words:

> . . . Relatively few states have general statutory enactments that describe or establish institutions that would fully hold the characteristics, scope of function, and method of operation that are considered to be theoretically best by specialists in the field of junior college education. Indeed, the existing diversity of patterns and the tendency toward even greater diversity shown in the more recent state enactments challenge the possible conclusion that the general development of the legal status of public junior colleges is progressing toward such a hypothetical ideal. . . .

This, he said, is a matter to which scholars and researchers in junior college education, as well as advocates of the comprehensive, locally controlled, state and locally supported two-year institution, or those who would propose any other single scheme of two-year college organization and administration should give more study and attention.

Hall (1962), in commenting on control of the two-year college, stated that in spite of the remarkable growth of such institutions, a well-defined image does not exist. There exists, in Hall's opinion, agreement as to purpose, clientele and objectives, but control in the various states rests with the public schools, universities, or with state officials. This results in confusion in the minds of the public. What the community college needs is an image--a unique image. According to the author, the community college is an institution of higher education and should be treated as such. It must be autonomous with its own trustees to whom the chief administrative officer should report directly.

Eisenbise (1963), using the interview technique, visited 61 of the 63 public two-year colleges in California to compare administrative organizations and operational patterns. He found three types of

junior college structures existing in California: (1) high school districts maintaining junior colleges; (2) unified districts containing junior colleges; and (3) junior college districts. He considered the first two closely related to the secondary schools, whereas the latter one was closely related to the four-year colleges. Eisenbise found great confusion concerning administrative titles and functions and concluded that the evaluation of the junior college as an outgrowth of the seconcary school had run head-on into the development of the junior college as a downward extension of the four-year college. The same confusion existed in organization, structure, committees, and faculty. He concluded that the most promising type of junior college was the separate college district enrolling 1,500 or more students and that the California junior colleges were not adequately meeting needs in the areas of community services, remedial instruction, research, or occupational education.

Lewin (1963) selected for a doctoral study the states of California, Michigan, Florida, Mississippi, Massachusetts, and Pennsylvania as being representative of the varying two-year college systems which have evolved. It was the purpose of the study to discuss the strengths and weaknesses of each system and to analyze the organizational problems encountered. Materials on laws, legal codes, and other published materials were gathered, and in-depth interviews were done. Lewin concluded that if a two-year college system is to function as a comprehensive institution, it is imperative that the organizational framework of the system assure the freedom to plan and act at the individual college level. Also, the local unit must be geographically, educationally, and financially accessible to the student and must be able to develop programs and services to meet the needs of the area served. He further concluded that state-directed coordination with the other higher educational institutions and with the secondary schools of the state is an absolute necessity.

In the opinion of Blocker (1963), the quality of administrative organization is a matter of increasing concern to college administrators, educational leaders, legislators, and laymen. A major point of contention is whether the two-year college can best attain this quality as a part of the public school system or as an independent entity. The author opted for independence, concluding that the inclusion of the junior college within the public school system has the effect of enforcing conformity to the traditions and concepts characteristic of elementary and secondary schools. The two-year college, he said, has its own defined objectives which are distinct from those of both the secondary schools and the four-year colleges, and it can best develop independently. The author cited a study of 130 administrators from several states which indicated that almost 80 per cent of them preferred independent district organization.

Lombardi (1964), in an article on issues in two-year college administration, considered some of the problems coming to the forefront to be the open-door policy; student selectivity for various programs;

appropriate tuition rates; the training of competent instructors; apportionment of state aid; the degree of state control; the "bugaboo" of federal control; economization efforts; the problem of articulation--both with the high school and with the senior college; the ratio of transfer to terminal students; and the question of faculty rank. Lombardi did not provide solutions to these problems, but he concluded that the solutions are an awesome responsibility placed on the college administrator.

In an article on local control of two-year colleges, Rislov (1964) contended that boards of control differ in many respects. Among the differences cited were that some boards are appointed, and some are elected; some have other duties, and some do not; and powers and responsibilities differ in different localities. Nevertheless, a fairly clean-cut set of rules has emerged in social customs, laws, and regulations that recommend how a community college board is to operate. These rules, in Rislov's opinion, have a rationale. To expound this rationale, he compared a board of trustees to the board of a proprietary enterprise. While proprietary boards are responsible for running an organization designed to achieve its organizational purposes (e.g., profit), a college board is responsible for social values. With this in mind, he proposed that the three basic responsibilities of a community college board are to: (1) confirm the objectives of the institution; (2) adopt policies intended to realize these objectives; and (3) evaluate or appraise the results of these policies. These, he concluded, are the reasons for the board's existence; it can evade them, but it can not nullify them.

In a recent article on the control of public two-year colleges, Wattenbarger (1968) stated that a long-accepted concept was that of "locally controlled institutions offering two years of work beyond the twelfth grade level." In several states in the late 1950's and early 1960's this concept changed almost overnight, he contended, to that of state-operated and state-supported institutions. Decisions were made to change to state systems after carefully considering several alternatives and in spite of studies which clearly indicated that: (1) growth of two-year colleges had been extremely limited in those states with state-level operation while at the same time very rapid development had taken place in states where local control was the legal basis; (2) very obvious differences in the breadth of curriculum and demonstrated concern for the occupational programs existed between the two concepts with the locally controlled institutions "more faithful to the philosophical criteria which are generally used to identify the community junior college"; and (3) definable differences in quality between the locally controlled and state-operated institutions as measured by faculty qualifications, facilities, and "similar generally accepted indices of quality" were evident in favor of the locally controlled institutions.

Wattenbarger did not cite any of the sources upon which he based the above assertions and is, therefore, subject to a charge of

oversimplification in that he fails to recognize the possibilities of (1) differences among locally controlled institutions, some of which operate, for example, under the public school system as opposed to those which have separate local boards of control, and (2) differences among state-controlled institutions under a university, or those with a central state office and no local control, or shared control. He does recognize that such different systems exist--and even names them -- but he fails to consider any possibilities for differences other than that of local versus state control.

Financial Provisions

Only one study, several years old, was found which was concerned with financing two-year colleges. McCallum (1955) made a study of the financing and political control of two-year colleges. His procedure involved the use of a detailed questionnaire which he mailed to chief administrators of 300 two-year colleges in the 35 states which then operated such public institutions. He received 215 (72 per cent) returns. Only four of the 215 institutions responding to the questionnaire reported direct income from federal sources. Those four institutions attributed one, two, four and eight per cent of their incomes, respectively, to federal funds. The author presented in tabular form the percentage ranges of institutionsl income, by state, derived from state funds, local funds, and tuition. Proportions of income from state and local sources varied from 0 to 100 per cent with considerable range within states. Tuition accounted for from 0 to 87 per cent of total income. The author provided no means or medians for the data, nor did he make any attempt to analyze differences among states.

Sources and Qualifications of Chief Administrators and Deans

To determine a profile for two-year college presidents, Hawks (1960) conducted a study using a stratified random sample of 175 presidents. Among the data requested were: (1) number of years in present position; (2) previous position held; (3) highest degree earned; (4) field of academic specialization; and (5) length of time in job. A return of 93 per cent was obtained. Some findings were: 4.3 per cent held only bachelor's degrees, 51.9 per cent held master's degrees, and 43.8 per cent held doctorates. Of the highest degree held, 45 per cent were in liberal arts and 49.4 per cent were in professional education. Other fields accounted for small percentages. Of presidents in office less than five years, 28.1 per cent came from other two-year college presidencies, 23.4 per cent from public school administration, and 28.1 per cent from positions in four-year colleges.

In a study of academic backgrounds and professional experiences of administrators in public two-years colleges in Texas, Landrith (1960) found that 12 of 28 presidents studied held earned doctorates, eight of which were Doctor of Education degrees. The remaining 16 presidents

held master's degrees. In terms of immediate prior positions Landrith found that of the 28 presidents, seven came from the position of school superintendent, six had been presidents of other two-year colleges, and five had been deans in the two-year colleges in which they were then employed. One each came from positions in the Air Force, in business, as instructor in another two-year college, as instructor in the same institution, as teacher in a public school system, and as vice president in the institution in which he was then employed. Of deans of instruction in these institutions, the author found that two held the Doctor of Education degree, two held the Doctor of Philosophy degree, and 20 held master's degrees.

Roberts (1964), in the most comprehensive study of chief administrators of public two-year colleges reviewed, reported that the mean age of 333 chief administrators was 50.3 years. In terms of academic qualifications, 3.1 per cent held bachelor's degree, 52.8 per cent held master's degrees, and 44.1 per cent held doctorates. Of those holding doctor's degrees. 64.6 per cent held the Doctor of Education degree and 35.4 per cent held the Doctor of Philosophy degree. For the 16 states included in the study, the range of percentages of those chief administrators holding doctorates was from 100 per cent for Florida to 11.1 per cent for Massachusetts. Areas of specialization for highest degrees held were education, 63.7 per cent; higher education, 8.4 per cent; humanities and social sciences, 17.7 per cent; science, 9.0 per cent; and business, 1.2 per cent. Mean tenure in office was 7.2 years. In considering the last previous position, the author found that 26.7 per cent had held second-level administrative positions in two-year colleges, 12.6 per cent had held positions in public school administration other than the position of superintendent, 12.3 per cent had previously been teachers in either elementary or secondary schools or colleges, 9.6 per cent had been school superintendents, 9.6 per cent had been chief administrators of another two-year college, 7.9 per cent came from administrative positions other than president in four-year colleges, 4.5 per cent came from other administrative positions in education, 2.7 per cent came from positions outside education, and only 0.9 per cent came from the position of chief administrator of a four-year institution.

Of presidents operating under the control of a local school board, 43.2 per cent held doctorates. Under local independent boards the proportion was 51.7 per cent, and under regional or state boards the proportion was 30.2 per cent. No attempt was made to analyze the significance of differences in any of the aforementioned categories.

Schultz (1965) found that from 1952 to 1964 there was a marked change in the academic preparation, source, and median age of the presidents of public two-year colleges. For three time periods, before 1952, 1952 to 1963, and the 1963-64 academic year, Schultz found the following relationships between the highest earned degree and the period of time during which the individuals were appointed to the position of president in a public two-year college:

	Before 1952	1952 to 1963	1963-64
Doctorate	25.0%	49.1%	57.8%
Master's degree	69.1	48.3	37.9
No graduate degree	5.9	2.6	4.3

The three time periods include 68, 265, and 140 presidents, respectively. The sources of presidents for these institutions during these same periods of time were:

	Before 1952	1952 to 1963	1963-64
Senior college or university	10.3%	17.4%	17.8%
Junior college	47.1	51.3	56.4
Elementary or secondary school	30.9	25.3	17.1
Other	11.7	6.0	8.7

An analysis of the immediate past positions of each of the presidents indicated the type of position from which they came to their current presidential position:

	Before 1952	1952 to 1963	1963-64
President of two-year college	8.8%	10.9%	14.3%
Other college administration	38.2	48.7	55.7
Elementary or secondary administration	29.4	26.0	19.3
Other (including college faculty member)	23.6	14.4	10.7

The study also showed that the median age of two-year college presidents (including public and private institutions) increased from 41 in 1951-52 to 47 in 1963-64.

Based on these findings, Schultz concluded that presidents of public two-year colleges are increasingly possessing a higher degree of educational attainment; more of them have had junior college experience; and as a group, those entering office in 1963-64 were older at the time of appointment than were the earlier ones.

Sources and Qualifications of Faculty

A study of the academic preparation of newly appointed instructors covering six successive academic years and including both public and private two-year colleges yielded the following data concerning the amount of academic preparation of those faculty members:

Period	Doctorate	Master's Plus One Year	Master's	Less than Master's
1957-58	6.2%	22.1%	43.6%	28.1%
1958-59	7.9	18.6	45.8	27.7
1959-60	6.6	17.7	47.8	27.9
1960-61	6.1	17.1	48.5	28.3
1961-62	7.0	18.4	53.6	21.0
1962-63	7.2	20.7	51.5	20.6

There was no indication whether the above percentages were for new academic faculty or new total faculty (Maul, 1963).

The study also included a detailed breakdown of the sources of new faculty members for both public and private institutions; the sources of new faculty members for 356 public institutions for the 1961-63 biennium were as follows:

Source	Per Cent
High school teaching	31.2
Graduate school	23.9
College or university teaching	17.6
Business occupations	11.4
Bachelor's degree class	2.9
Other educational service	2.5
Homemaking	1.9
Research	1.6
Elementary school teaching	1.2
Government service (civilian)	1.2
School administration	1.2
Military service	0.9
Religious service	0.5
Miscellaneous (non-educational)	2.0

The above data indicate that the majority of new faculty members represented in this study come, in descending order, from high school teaching, graduate schools, and college or university teaching.

In a study of the sources and backgrounds of newly hired faculty in two-year colleges, Brown (1964) included data on approximately 600 two-year colleges and 1,500 new instructors. Brown found that of the newly hired faculty for the 1964-65 school year the highest earned degrees were as follows: doctorate, 10.8 per cent; master's degree,

75.1 per cent; and less than a master's degree, 14.1 per cent. The sources of the newly hired faculty members were: (1) professor in a four-year college, 13.0 per cent; (2) instructor in two-year college, 7.7 per cent; (3) teacher in a secondary or elementary school, 32.1 per cent; (4) student, 34.7 per cent; (5) business, government, and foundations, 10.0 per cent; and (6) other sources, 2.7 per cent.

A study including an analysis of academic preparation and the sources of the college transfer faculty yielded usable data from 26 of the 34 public two-year colleges in New York State (Birnbaum, 1966). Of the 1,008 full-time faculty members whose primary teaching responsibility was in the college transfer program, the percentages holding various academic degrees as their highest earned degree were:

Doctorate	16.6%
Master's degree	67.0
Bachelor's degree	16.4

None of the college transfer faculty members included in the study held less than the bachelor's degree. The sources of the college transfer faculty in the 26 institutions were:

College or university teaching	43.2%
High school teaching	27.2
Business or other non-teaching employment	15.5
Community college teaching	13.4
Graduate school or college	0.7

Faculty Rank

Tillery (1963) raised the question whether the long-range effects of professional rank are in real harmony with "appropriate" institutional goals. The question of rank, he said, must be considered as it affects the functions of the comprehensive community college. Included are the open-door policy; the wide range of technical, vocational, adult, transfer, and remedial programs; and general education. The author contended that because of its diverse functions, the community college makes demands on teachers which are not characteristic of universities and four-year colleges, and academic rank may well be a disjunctive force promoting rigidity and conservatism in the two-year college. The author recognized the status-identity problem of the faculty in the two-year college but felt that more suitable solutions than faculty rank exist.

Hendrix (1963) made a study of faculties in seven public junior colleges in Texas to determine whether there were characteristic differences between faculty members in institutions employing rank and those in institutions not employing rank. The instrument used to measure characteristics was the Sixteen Personality Characteristics

Questionnaire, Form A. The sample included 67.3 per cent of the full-time faculty members in the institutions. Hendrix, on the basis of statistical analysis, concluded that faculty members in colleges with rank exhibit greater radicalism, stronger inclinations toward "experimental" problem-solving techniques, preferences for reading rather than class instruction, preferences for science and analytical thought processes rather than religion and the humanities, and less regard for custom and tradition. Other traits in evidence were self-sufficiency, independence, resourcefulness, and introversion. Life history data indicated 14 additional characteristics which differentiated rank from non-rank institutions. The author concluded that some of the exhibited characteristics were an asset to teaching and others were not.

During the early 1960's there was a sharp rise in the percentage of two-year colleges offering academic rank. A 1962 study by the National Education Association showed that 59 of 305 reporting public two-year colleges used academic rank; this constituted 19.3 per cent of the sample (Maul, 1964). In 1964, 106 of 331 institutions reported the use of faculty rank. In two years the proportion of reporting institutions using faculty rank had risen from 19.3 to 32 per cent. These 106 institutions accounted for 36.7 per cent of the full-time teachers employed by all reporting institutions.

Evidence that faculty rank in the two-year college has been slowly but steadily increasing was given by Blocker and Wolfe (1964), who concluded that administrators were the prime motivators of this increase. A geographic distribution of rank indicated it to be more prevalent in the Middle Atlantic and New England states than in other sections of the United States. Of the 71 public institutions in the study reporting the presence of faculty rank, the most frequently given reasons for adopting rank were to: (1) conform with practices of universities, 24 institutions; (2) increase the status and morale of faculty, 15 institutions; and (3) link salary with teaching proficiency, eight institutions. All other reasons were cited by five or fewer of the 71 institutions. When asked to rate the effectiveness of faculty rank policy in achieving the purposes for which it was adopted, five instititions rated it excellent, 38 satisfactory, six too early to evaluate, and 22 gave no response; none rated it unsatisfactory.

Because of some of the problems associated with rank in the community college, Harrington (1965) mailed questionnaires to 21 individuals who were at the state-level of community college administration in 16 states. Questions asked were: (1) does your association or state office recommend any policy on academic rank; (2) what is the general policy on academic rank in the state; (3) do you have a personal opinion on the value of academic rank; and (4) what changes do you see in existing academic rank practices? Harrington received 13 replies. There was no uniform policy regarding rank in any of the states replying. The most frequent reason given for academic rank

was that of "aping four-year institutions," and the majority of state officials opposed it. The author concluded that if the two-year college is closely associated with a four-year institution, rank may be appropriate and needed; but if the community college proposes to meet educational needs which cannot be met by any other institution, it should look for other means of stimulating its faculty's achievement.

In a 1965-66 survey of salaries in higher education, the National Education Association (1966) included 479 public two-year colleges. Of this number, 318 reported having officially adopted salary schedules based upon either faculty rank or academic preparation. The survey found that in institutions having faculty rank, salary schedules tended to be structured on the basis of rank rather than academic preparation, although some were based on a combination of the two. In 22 states, 182 two-year colleges had salary schedules structured on the level of academic preparation. In 24 states, 69 colleges indicated salary schedules based on faculty rank. Overall, 35.9 per cent of 479 public two-year colleges reported having faculty rank; these institutions employed 34 per cent of the faculty personnel in the entire group of reporting institutions.

Certification Requirements

A recently completed survey of certification requirements found that nine of the 50 states issue two-year college teaching certificates (Burkhart, 1967). These nine states are Arizona, California, Florida, Illinois, Iowa, Kansas, Missouri, New Jersey, and Washington. In three of these states, Arizona, Kansas, and Washington, the secondary teaching certificate covers the two-year college. Although grouped separately by the author, Massachusetts and North Dakota also indicated that while they do not issue a two-year college certificate, the secondary certificate covers the two-year college. Six additional states, Maryland, Minnesota, Montana, Oregon, Texas, and Utah, have no certification of two-year instructors, but each state does have certain academic requirements as prerequisites to employment. In each of these states except Maryland, the requirement is a master's degree or its equivalent. Maryland requires the bachelor's degree plus 30 semester hours of graduate work. The author concluded that although only 11 of the 50 states have certification programs for two-year colleges, these 11 states contain 42 per cent of the public two-year colleges. When the additional six states with de facto certification were included, the 17 states employed 63 per cent of the teaching faculty and enrolled 72 per cent of students attending public two-year colleges.

Summary and Conclusions Drawn from the Literature Review

As a result of the literature review, certain relationships become evident and certain conclusions can be drawn. In terms of legal concept there is no unique image for the two-year college, and this lack of uniqueness concerns many of the professionals in the field. The American Association of Junior Colleges has proposed a set of principles and steps which it recommends that state legislatures follow in creating new systems of two-year colleges, but no study was found concerning the extent of adherence to these policies. The only study bearing on the matter was completed before these principles were published; that study revealed that over a 50-year period much change in two-year college legislation has occurred, but at the time of its completion many legal structures certainly were devoid of concepts considered desirable by the experts in the field. In terms of image, it appears that many of the writers in the field, and practicing administrators as well, think the two-year college should be considered a part of higher education; others feel it should be considered an independent entity and should develop separate and apart from either higher education or the public school system. Very few arguments favoring the two-year college as a part of the public school system were noted. Again, no definitive study has been made which attempts to analyze quantitative differences among the various approaches to legal structure.

Only one study concerning the financing of two-year colleges was found in the literature, and, as outlined in the review, it was considered too old to warrant basing any conclusions on it.

Several studies were found concerning academic qualifications and, to a lesser extent, work experiences of chief administrators and deans of instruction. The major conclusion of these studies was that the mean age of chief administrators is slowly increasing along with academic qualifications, particularly the doctorate. Evidence was also cited which indicates that as time passes more chief administrators are employed from positions in two- and four-year colleges and fewer from the public schools and other sources. Fewer data were available on deans of instruction. Practically all studies reviewed either analyzed data in terms of two-year colleges as a class of institutions or they were limited to a few states. No study was reviewed which analyzed differences in terms of legal structure except one which considered differences in academic backgrounds of chief administrators operating under the control of local school boards, local boards of trustees, or state boards of control. This one study, which included 16 states, indicated that a greater percentage of doctorates were held by presidents responsible to separate independent local boards of trustees. Next in rank order came those responsible to local school boards, followed by those responsible to state boards.

Studies on sources and qualifications of faculty indicated that in terms of academic preparation the proportion of faculty members

holding the doctorate has remained fairly constant over the last decade, whereas the proportion holding a master's degree has been increasing, and the proportion holding less than a master's degree has been decreasing. The two major sources of faculty for two-year colleges have been the public high schools and graduate schools from which students have just received a graduate degree. No studies were found which compared academic qualifications and sources of faculty in institutions operating under one legal structure to those under another.

The question of faculty rank in two-year colleges was found to be a burning issue; several articles were cited in which the pros and the cons were rather heatedly debated. The major conclusion drawn was that the use of faculty rank in two-year colleges is rapidly increasing. No study attempted to compare the presence or absence of faculty rank in systems operating under different legal structures.

Finally, one study was reviewed which indicated that only nine states issue two-year college teaching certificates. Several additional states do, however, have certain academic requirements as prerequisites to employment.

No study dealing with tenure in two-year colleges was found in the literature.

Based on the findings of the literature review summarized above, the conclusion was made that a study of the legal and operational differences among systems of two-year colleges was both justified and timely. It was further concluded that state constitutions and state statutes should be analyzed to determine the legal bases for differences in institutional concept, state and local control, establishment procedures, and financial provisions; and that the operating variables most appropriate for analysis among systems were sources and academic qualifications of administrators and faculty, faculty rank, tenure, and certification requirements.

Delimitations of the Study

The first part of the following study was limited to an analysis of the constitutions and current statutes of the 50 states. Constitutions were examined to ascertain the presence of provisions for higher education in general, to determine whether two-year colleges could be considered a part of a state's program of higher education on a constitutional basis, and, if so, to determine what restrictions were placed upon the establishment of two-year colleges as a result of the provisions. The analysis of state statutes was limited to those states having current and specific provisions for two-year colleges. The analysis of the statutes was based upon and limited generally to five criteria which, as indicated in the literature review, have been considered

important by experts and researchers in the two-year college field: (1) concept of the institution in terms of its position in the education hierarchy and comprehensiveness of program or curricular offerings; (2) sources and extent of state-level control; (3) sources and extent of local control; (4) criteria and/or procedures for establishment; and (5) methods of financing.

The constitutional and statutory analysis was limited to those state constitutions and statutes which were current and in effect as of December 31, 1967. The institutional data gathered were for the fall term of the 1967-68 academic year.

The second part of the study was limited to an analysis of certain operating variables termed either inputs or outputs of two-year colleges comprising state systems operating under one of the legal structures defined in the first part of the study. As a result of the literature review, inputs were defined as: (1) sources, previous experience, and academic background of chief administrators and deans of instruction; (2) sources and academic qualifications of academic faculty and department heads; (3) the presence or absence of certification, tenure, and faculty rank; (4) the sources of funds for operating expenses and capital outlay for various programs; (5) student tuition; (6) restrictions placed upon entrance into academic, technical, and vocational programs; and (7) the number of students or full-time equivalents enrolling in the various programs offered. Outputs were defined as the presence or absence of academic, technical, vocational, basic adult, or general adult programs and the number of students being graduated from curriculum programs.

Delimitations for the inclusion of states and legal structures in the second part of the study--the analysis of operational differences--were as follows. For systems of two-year colleges operating under a legal structure representing a state's original legislation for such institutions, a requirement was that such systems be established at least three years as of Fall, 1967. It was felt that a three-year period from time of legislative enactment would be a sufficient period for a system to become operational. For states which evolved from one legal structure to another, a requirement was that such evolved systems be at least four years old as of Fall, 1967. Having no research to rely upon, but having had personal experience in an evolving system, it was felt that four years would be a sufficient period of time in which an evolved system would stablize. Excluded from the second part of the study were all states in which two or more of the legal structures, as defined in the first part of the study, operate simultaneously under the same statutory authority. For example, states in which statutes authorize two-year colleges to be governed locally by either school boards or separate trustees within the same system were excluded. Further, each state that did not have at least four operational institutions in a system was eliminated on the basis that such a state is probably not representative of a true system; and, finally, each legal structure that did not contain at least two states was eliminated.

Procedures

The procedure for part one of the study entailed a systematic analysis of the constitutions of the 50 states to determine the effects of constitutional provisions on the legal structure of two-year colleges, and an analysis of statutory provisions for education for each of the 50 states to ascertain the presence or absence of provisions for such institutions. For those states having statutory provisions for two-year colleges, a complete analysis of such provisions was made. Facilities used for this part of the study were the Law Library of the Duke University School of Law and the North Carolina State Supreme Court Law Library located in the Justice Building in Raleigh, North Carolina.

The procedure for the second part of the study entailed the development of a questionnaire to provide data from two-year colleges conforming to the previously described delimitations. Specifically, this questionnaire was designed to solicit: (1) the age of the institution and the number of chief administrators having directed its operation; (2) for the chief administrator and dean of instruction, age, number of years in present position, working background including two previous positions, and academic qualifications; (3) sources of present full-time academic faculty, the number of faculty members and department heads holding various academic degrees, and the presence or absence of certification requirements, tenure, and faculty rank; (4) the sources of funds for operating expenses and capital outlay; (5) the number of students enrolling in and graduating from academic, technical, and vocational programs, tuition for various programs, enrollment qualifications and restrictions, presence or absence of remedial programs, and the presence or absence of general adult or community service programs.[2]

The Directory: American Association of Junior Colleges, 1968 was utilized to determine the name and address of each institution included in the study (Harper, 1968). A cover letter to the president of each such institution was written explaining the purposes of the study and requesting that the above described institutional data be returned on the attached questionnaire in an enclosed, self-addressed, stamped envelope. At the end of a three-week period, a follow-up letter was written to all institutions from which data had not been obtained, and a complete set of materials was again sent. Four weeks after the second mailing a final follow-up letter was sent requesting the return of the questionnaire sent on the two previous occasions.[3]

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[2]Appendix A contains a copy of the questionnaire constructed and used.

[3]Appendix B contains a copy of the initial and follow-up letters.

Whenever possible, statistical analysis of the differences among legal structures was made to determine the significance of the differences found. The two statistical methods employed were chi square analysis and single classification analysis of variance, depending upon the appropriateness of each method to the data collected.

Definition of Terms

For the purposes of this study, the terms below were defined so as to have the meaning here ascribed to them when used in the general context of the study. In subsequent chapters it will be found that various words here defined will have legally ascribed definitions which will vary from state to state. When, in the context of a state statute, a word has a meaning which is different than the one here assigned, when it is first introduced it will be placed within quotation marks to denote such interpretation.

Academic Programs. Those courses or curricula offered in a two-year college which are considered equivalent to freshman and sophomore courses offered in four-year colleges or universities and which are designed to constitute part of a baccalaureate program when transferred to such institutions.

Adult Education. Courses or programs of a personal enrichment, non-vocational and usually non-credit nature offered by a two-year college to the adults of the area served by the institution.

Basic Adult Education. Courses or programs in literacy training offered to adults who failed to learn to read and write before adulthood, usually considered equivalent to materials at or below the eighth-grade level offered in the public schools.

Capital Outlay. The monies required to provide land, buildings, equipment, and other general improvements, and considered as expenses which are non-recurring on a periodic basis.

College Transfer Programs. Synonymous with academic programs.

Community College. A two-year college which is oriented to the needs of the "community" or college district in which it is located and which usually offers academic, occupational, and basic and general adult programs. Such an institution can be either state or locally controlled, or control may be shared between state and local government agencies.

Community Junior College. Synonymous with community college.

Comprehensive Institution. A two-year college which offers a broad range of curricula and programs which usually include academic, technical, vocational, and general and basic adult education; synonymous with community college.

Full-Time Equivalency. A method of expressing part-time enrollment in terms of the number of part-time students needed to equal one full-time student in terms of a "normal" load of credit hours. For example, if a full-time student were defined as one carrying 12 or more credit hours of course work, the number of full-time equivalency students would be the sum of all the credit hours carried by part-time students divided by 12. Since different states use different formulas for the calculation of full-time equivalency, no exact quantitative definition can be assigned here.

Higher Education. All education beyond the 12th grade which is deemed appropriate to meet part of the requirements for a baccalaureate or higher degree.

Junior College. Originally a two-year, locally operated college considered an upward extension of the high school which offered only academic courses. Over the years, such institutions have tended to become more comprehensive, but many have retained the same name. Today there is no clear and well-defined concept. In this study the term is used only in a legal context resulting from a statutory definition.

Occupational Programs. An inclusive term which usually includes technical programs, vocational programs and/or any other sequence of courses designed to prepare one for entry into the world of work at less than the baccalaureate level.

Operating Expenses. Expenses which are periodic and repetitive in occurrence and which do not lead to improvement of physical facilities or permanent equipment. Considered as operating expenses are those incurred for maintenance, expendable supplies, salaries, the replacement of worn-out equipment, employee benefits, fixed charges such as rental and insurance, and any other services provided.

Public Schools. In the context of this paper, public schools are defined as those institutions operated by the state or subdivisions of the state and paid for primarily from public funds; included are kindergartens, elementary schools, junior high schools, and senior high schools up to and including grade 12.

Qualified Electors. Citizens of a state or political subdivision of a state who have been enfranchised to vote upon matters of public government or concern; synonymous with qualified voters.

Technical Programs. Programs which are considered the equivalent of academic programs in depth of subject matter content but which are designed to prepare one in the theory and practice of a particular field

for the purpose of entering into a job or a cluster of jobs upon completion of a curriculum rather than to prepare for transfer to a four-year institution for the purpose of completing a baccalaureate degree. Technical programs are ordinarily two academic years in length.

Terminal Programs. Programs which usually include technical and vocational curricula or any course or sequence of courses designed to prepare one for entry into a gainful occupation upon completion rather than to prepare one for further studies.

Trade Programs. Programs designed to prepare one for entry into a skilled job in business or industry. Such programs usually include only the theory necessary to understand the job and emphasize the acquisition of a skill, and they are often a year or less in length.

Two-Year College. An all-encompassing term used in this study to include junior colleges, community colleges, and/or community junior colleges.

Vocational Programs. Often used synonymously with trade programs, but usually including more categories of training such as agriculture, health occupations, and distributive education (merchandizing).

CHAPTER II

CONSTITUTIONAL PROVISIONS FOR HIGHER EDUCATION

The United States Constitution contains no reference to the education of the country's citizens. Amendment X of the Constitution, however, does establish certain relationships for the assumption of powers:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Because of this delegation of power, one turns to the constitutions of the various states to search for the authority of their respective governments to finance and operate systems of public schools.

To determine the constitutional authority of the states to operate two-year colleges and, further, to determine the implications for administration inherent in this authority, a study was made of the provisions for education in the constitutions of the 50 states. The constitution of each state was found to contain some statements regarding the public education of its citizens. From this point on, however, there was great diversity in the approach to constitutional provisions for education under public control. Many of the constitutions referred only to "common schools," whereas others included, in either general or specific terms, provisions for "institutions of higher learning." A small number of state constitutions held local governments responsible for public education, but most regarded it as a state function. Only six state constitutions were found to contain specific provisions for two-year colleges as these institutions have been previously defined.

Essentially, the 50 states can be put into three categories: states whose constitutions provide only for "common" or "public" schools with no mention of higher education; states whose constitutions contain provisions for both public schools and higher education with no specific reference to the two-year community or junior college; and those states whose constitutions make specific references to or provisions for systems of two-year colleges.

Thirteen of the 50 state constitutions make no provision for public education beyond the "common" or, as defined today, the high school. These states are Delaware, Illinois, Indiana, Kentucky, Maryland, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, and Vermont. Since the two-year college--even when operated as

an upward extension of the high school--is considered "beyond the high school," this category of states will not be further considered.

State Constitutions Providing Generally for Higher Education

Constitutions of 37 of the 50 states make at least some reference to what is today defined as "higher education" or, in the classic sense, education at the collegiate level. As was the case for provisions for public school education, constitutional provisions for higher education range from statements "encouraging" higher education to specific statements which establish particular universities and specify how they shall be governed and financed.

Of the 37 states whose constitutions contain references to higher education, two contain specific provisions for state systems of two-year colleges, and an additional four contain provisions which either refer directly to the two-year college or make reference to a category of institutions within which the two-year college has been interpreted by the courts as belonging. These six states will be treated in the following section. The 31 states remaining in this category are Alabama, Alaska, Arizona, California, Colorado, Connecticut, Georgia, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, South Carolina, Utah, Virginia, Washington, West Virginia, and Wisconsin.

It was considered beyond the scope and purpose of this study to present an analysis of the constitutions of all 31 states in this category, but 11 states in this group were singled out for discussion either because their constitutions contained some unique provision or because their provisions were considered representative of those of the other states in the category.

Massachusetts

Of all the constitutions in this category, the Massachusetts Constitution makes the least provision for higher education. It makes no provision for higher education under public control, but it does acknowledge the charter of Harvard University (Chap. V, Art. I, sec. 1). Some of the other state constitutions representative of the remaining 30 states in this category are examined in subsequent paragraphs.

Connecticut

Connecticut and Maine are representative of states which make minimal constitutional provisions for higher education. The total

provisions for higher education in the Connecticut Constitution are contained in two paragraphs:

> There shall always be free public and elementary schools in the state. The general assembly shall implement this principle by appropriate legislation.
>
> The state shall maintain a system of higher education, including the University of Connecticut, which shall be dedicated to excellence in higher education. The general assembly shall determine the size, number, terms and method of appointment of the governing boards of the University of Connecticut and of such constituent units or coordinating bodies in the system as from time to time may be established. (Art. VIII, sec. 1)

Maine

In much the same manner, the Maine Constitution provides for education:

> A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object the legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall be their further duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges, and seminaries of learning within the State . . . . (Art. VIII, sec. 1).

These provisions are very general in nature and leave to the discretion of the respective legislatures the legal framework for establishing and financing.

Missouri

Another example of minimal constitutional provision is the Missouri Constitution, which succinctly provides that:

> The general assembly shall adequately maintain the state university and other educational institutions as it may deem necessary. (Art. VIII, sec. 1)

It would appear that two-year colleges would readily be included within this provision, but the power to make a final legal interpretation would rest with the courts of the state; no evidence of a legal decision bearing on this matter was found.

Georgia

The Georgia Constitution exemplifies those states which place more stringent conditions on the provisions for public education. This constitution makes the following statement concerning public education:

> The provision of an adequate education for the citizens shall be a primary obligation of the State of Georgia, the expense of which, shall be provided for by taxation. . . (Art. VIII, sec. 2.6401)

The constitution provides no definition of "adequate education," and one might logically deduce, based upon this provision, that if Georgia operated public institutions of higher education the state would be required to bear the expense through taxation. The Georgia Supreme Court, however, has ruled that the university system is not a part of the common schools which are required to be "free" under this provision.[4]

Specific provisions for higher education are contained in the Georgia Constitution as amended in 1943:

> There shall be a Board of Regents of the University System of Georgia, and the government, control and management of the University System of Georgia and all of its institutions in said system shall be vested in said Board of Regents of the University System of Georgia. . . (Art. VIII, sec. 2.6701)

Another section of the Constitution as amended in 1943 provides certain exemptions for then existing schools, but precludes future exemptions:

> Authority is hereby granted to municipal corporations to maintain existing independent school systems, and support the same as authorized by special or general law, and such existing systems may add thereto colleges. No independent school system shall hereafter be established. [emphasis supplied] (Art. VIII, sec. 2.7001)

One might readily infer from this that if publicly supported two-year colleges are to be established in Georgia after the effective date of this constitutional provision, they must be a part of the University of Georgia and as such responsible to the Board of Regents established in a preceding section, or they must form an addendum to municipal school systems which were in operation on the effective date of the amendment. This is an example of a stringently worded constitution which leaves little discretion to the elected legislature of the state.

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[4] State v. Regents of University System of Georgia, et al., 775 S. E. 567 (1934).

Oklahoma

Much along the same lines as the Georgia Constitution is that of Oklahoma. The Oklahoma Constitution makes no specific mention of the two-year college, but its provisions for higher education are so explicit that, assuming the two-year college to be a part of higher education, there is little doubt of its inclusion in the provisions. The sections of the Oklahoma Constitution pertaining to higher education were extensively revised and adopted by special election in 1941. As now in force, the provisions for higher education are stated thus:

> All institutions of higher education supported wholly or in part by direct legislative appropriation shall be integral parts of a unified system to be known as "The Oklahoma State System of Higher Education." (Art. XIII-A, Sec. 1)

The following section provides for the control of this system of higher education:

> There is hereby established the Oklahoma State Regents for Higher Education consisting of nine (9) members, whose qualifications may be established by law. . .
>
> The Regents shall constitute a co-ordinating board of control for all State institutions described in section 1 hereof, with the following specific powers: (1) it shall prescribe standards of higher education applicable to each institution; (2) it shall determine the functions and courses of study in each of the institutions to conform to the standards prescribed; (3) it shall grant degrees and other forms of academic recognition for completion of prescribed courses in all of such institutions; (4) it shall recommend to the State Legislature the budget allocations to each institution; and, (5) it shall have the power to recommend to the Legislature proposed fees for all such institutions, and any such fees shall be effective only within the limits prescribed by the legislature. (Art. XIII-A, sec. 2)

The authority of the Board of Regents to allocate funds to institutions within the system is clearly provided:

> The appropriations made by the Legislature for all such institutions shall be made in consolidated form without reference to any particulare institution and the Board of Regents herein created shall allocate to each institution according to its needs and functions.

It is evident from the above constitutional provisions that if two-year colleges do exist in Oklahoma, or if they are established in the future, and if they receive any state monies and are defined as institutions of higher education, then they will be under the control of the Board of Regents. Determination of these facts will be made in the succeeding analysis of statutory provisions.

Hawaii

A more general approach to constitutional provisions for higher education is exemplified by the Hawaii Constitution, which makes the following provisions:

> The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. . . (Art. IX, sec. 1)

The only specific provision of this Constitution pertaining to the establishment of the state university states:

> The University of Hawaii is hereby established as the state university and considered a body corporate under control of a board of regents. (Art. IX, sec. 4)

Within such a general constitutional framework as this, it is readily apparent that the state legislature has ample flexibility to structure the university and delegate powers as it sees fit.

Kansas

Kansas and North Dakota are examples of states which have more specific constitutional provisions for education. In fact the provisions in the constitutions of these two states appear to be so categorical that revisions have been sought which will make the provisions flexible enough to accommodate changing educational needs.

Prior to 1966 the Kansas Constitution provided for education in the following manner:

> The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement by establishing a uniform system of common schools, and schools of higher grade, embracing normal, preparatory, collegiate and university departments. (Art. VI, sec. 2)

By a vote of the citizens of Kansas, the above section was deleted in 1966. The following now appears in its place:

> The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such a manner as may be provided by law. (Art. VI, sec. 2(a))

It seems evident that the clause "schools of a higher grade, embracing

normal, preparatory, collegiate and university departments" did not adequately define the community college and technical school of today. It further appears that the proponents of the amendment sought to avoid being restricted in the future, by terms which might become obsolete, by providing that the institutions and related activities "may be organized and changed in such a manner as may be provided by law."

The amended Kansas Constitution also provides for the control of public higher education in the following manner:

> The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or post baccalaureate degrees and such other institutions and educational interests as may be provided by law. . . [emphasis supplied]
>
> Any municipal university shall be operated, supervised and controlled as provided by law. (Art. VI, sec. 2(b) and 2(c))

Seemingly, public two-year colleges in Kansas would, by constitutional mandate, be under the control of the board of regents unless they were under the control of a municipality as a part of a municipal university, in which case the legislature would have the authority to provide for them as the legislature saw fit.

North Dakota

North Dakota presents yet another example of a state whose constitution contains language considered to be too restrictive to allow the legislature of the state the freedom it considers it necessary. The North Dakota Constitution provides for education as follows:

> The legislative assembly shall provide at their first session after the adoption of this constitution, for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including the normal and collegiate courses. (Art. VIII, sec. 148)

Literally interpreted, this provision states that higher education in North Dakota must be of a uniform system and free. While a legal interpretation would be left to the courts, the above section is still restrictive enough that the following amendment has been proposed and will be submitted to the voters of North Dakota:

> The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning

> with the primary and extending through all grades up to and including schools of higher education, except that the legislative assembly may authorize tuition, fees, and service charges to assist in the financing of public schools of higher education.

Assuming that this amendment is approved by the voters of North Dakota, it will provide considerable flexibility in establishing tuition and fees by law, but it still leaves the state with the very restrictive clause, the legislature "shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending throughout all grades up to and including schools of higher education."

California

The California Constitution is general and brief in its provisions for educational institutions, and it comes very close to identifying the two-year college. Its provisions are as follows:

> The Public School System shall include all kindergarten schools, elementary schools, secondary schools, technical schools, and State Colleges, established in accordance with the law, and, in addition, the school districts and other agencies authorized to maintain them. . . (Art. IX, sec. 6).

The "technical school" in current terminology is often considered a part of the comprehensive two-year college; in this context, the two-year college is implied.

Washington

Similar to the California Constitution, the Washington Constitution comes close to identifying the two-year college. It provides for education in the following manner:

> The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. . . (Art. IX, sec. 2).

Although normal schools, as originally conceived, were two-year schools for teacher education, they do not fit our current definition of a two-year college; the technical school, as previously stated, has come to be a part of the two-year college in some areas, and in some states the technical schools and community colleges together form a system of post-high school education. In this sense, then, the Washington Constitution contains components of the two-year college. In the final analysis, interpretation of the types of schools included

in the definition rests with the courts.

In summary, the 31 states which have constitutional provisions for higher education but which make no specific mention of the two-year community or junior college range from the extreme of Massachusetts, which only provides for the charter of Harvard University in its state constitution, to Maine, whose constitution states that the legislature shall encourage and suitably endow public higher education, and Kansas and North Dakota, whose constitutions delineate higher education with such specificity that the citizens of the respective states have made or are seeking to make constitutional amendments which provide their legislatures more flexibility in providing for higher education.

State Constitutions Containing Some Provisions For Two-Year Colleges

Six states have constitutions which either make direct reference to two-year colleges or contain clauses which have been interpreted by the courts as including the two-year college. Two of these six states, Michigan and Arkansas, have constitutions which provide for the establishment of a state system of two-year colleges. The remaining four, Texas, Oregon, Florida, and Wyoming, are less specific in constitutional treatment.

Texas

The only reference to two-year colleges in the Texas Constitution is an amendment concerned with financing and boundary changes of junior college districts. Through a 1962 amendment the Texas Constitution acknowledges the existence of junior colleges in that state:

> . . . [No] tax for the maintenance of a junior college voted by a junior college district, nor any bonds voted in any such district, but unissued, shall be abrogated, cancelled or invalidated by change of any kind in the boundaries thereof. (Art. VIII, sec. 3(b))

It is unclear why it was considered necessary to amend a constitution to include the above statement when apparently legislation would have sufficed. Certainly, the above statement places no restrictions on the general operation of junior colleges in Texas.

Oregon

An Oregon constitutional amendment has more direct bearing on the financing of two-year colleges. The need for this amendment can be attributed to Article X, section 7 of the Oregon Constitution, which provides that the Oregon legislature shall not extend the state's credit beyond a limit of fifty thousand dollars except in case of war, to repel invasion, to suppress insurrection, or to create and maintain

Implicit in this constitutional amendment are the recognition of the junior college as a legitimate public educational institution, recognition of the state's responsibility to provide capital outlay funds, the sources from which these funds are to be derived, the fact that the legislature must authorize all projects on which these funds are to be expended, and, finally, the State Board of Education's duly constituted authority to administer the fund. This is by far the most detailed constitutional provision for two-year colleges encountered to this point in the analysis of state constitutions.

Wyoming

The Wyoming Constitution provides for public education in the following manner:

> The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the state allow, and such other institutions as may be necessary. [emphasis supplied] (Art. VII, sec. 1)

The underlined clause above would apparently include any two-year colleges the state legislature might propose to establish. This has in fact been the ruling of the Supreme Court of Wyoming. In the very recent case of Goshen County Community College District versus School District No. 2, the court ruled:

> In giving consideration to the various categories of schools referred to in Art. 7 sec. 1 [of the constitution quoted above], it is entirely clear that community colleges can only come under the category of such other institutions as may be necessary. It is also clear that when the legislature authorized the establishment of community colleges and provided for community college districts, it intended such districts to be something separate and apart from a "school district" as this term is used [elsewhere in the Wyoming Constitution in reference to the public schools].[5]

This is the only instance found in this study in which the courts have interpreted a constitution to include the two-year college.

The two states remaining in this category are the only two of the fifty states whose constitutions make direct and explicit provisions for a state system of two-year colleges.

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[5] 399 P. 2d 64 (1965), p. 65.

permanent roads. In the case of road building or maintenance, the legislature is authorized to obligate the state to the extent of one per cent of the true cash value of all the property of the state taxed on an ad valorem basis.

To provide construction funds for higher education generally, and community colleges specifically, a constitutional amendment was voted upon and passed in May, 1964. This amendment provided, above and beyond the debt limit set above, twenty-five million dollars for higher education, plus:

> Five million dollars ($5,000,000) to provide funds with which to construct, improve, repair, equip and furnish those buildings and structures and to purchase or improve sights therefor, that are designated by the Legislative Assembly for community colleges and education centers or that are community colleges and education centers authorized by law to receive state aid. (Art. XI-G, sec. 1)

This amendment clearly recognizes as a legitimate state function the provision of state funds, through assumption of debt if necessary, for capital outlay funds for constructing and equipping community colleges.

Florida

For much the same purpose as the Oregon amendment, Florida, by constitutional amendment in 1963, decreed:

> That beginning January 1, 1964, and for fifty years thereafter, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones, and for sending of telegram and telegraph messages, as now provided and levied at the time of adoption of this amendment. . ., shall, as collected be placed in a trust fund to be known as the "Institutions of Higher Learning and Junior College Capital Outlay and Debt Service Trust Fund. . ." and used only as provided in this amendment. (Art. XII, sec. 19)

The amendment also confers upon the Florida State Board of Education the authority to administer the fund:

> The State Board shall have power, for the purpose of obtaining funds for acquiring, building, constructing, altering, improving, enlarging, furnishing or equipping capital outlay projects theretofore authorized by the legislature and any purposes appurtenant or incidental thereto for Institutions of Higher Learning or Junior Colleges as now defined by law, and for the purpose of constructing buildings and other permanent facilities for vocational technical schools. . .

Michigan

The Michigan Constitution in effect from 1908 to 1963 made the following specific provisions for education beyond the high school:

> The legislature shall maintain the university, the college of mines, the state agricultural college, the state normal college and such normal schools and other educational institutions as may be established by law. [emphasis supplied] (Art. IX, sec. 10)

The underlined clause above, as previously interpreted by the courts of another state, includes two-year colleges; nevertheless, when a new constitution was voted into force by the voters of Michigan in 1963, it contained specific provisions for two-year colleges:

> The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in a like manner. The superintendent shall be ex-officio a member of this board without the right to vote. (Art. VIII, sec. 7)

This single paragraph contains three significant points. First, the legislature is under mandate to provide for the establishment and financing of two-year colleges. Second, it is to provide for a separate board for institutions established under this constitutional provision whose function it will be to coordinate the overall financing of these institutions and to advise the state board of education concerning their general operation. Third, these institutions are to be under the immediate control of a duly elected local board which must possess some degree of autonomy.

As discussed in the introduction to this study, the methods of state control, the issue of local autonomy, and the methods of financing are central to this study. In Michigan these problems are dealt with forthrightly in the constitution, leaving little to the discretion of the legislature. Implications for this approach to system structure are investigated in subsequent parts of the study.

Arkansas

The only other state whose constitution deals specifically with the two-year college is Arkansas. An examination of the Arkansas

Constitution revealed why the people of that state considered an amendment necessary. The first section of the Arkansas Constitution pertaining to education states:

> Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system of free schools whereby all persons in the state between the ages of six and twenty-one years may receive gratuitous instruction. (Art. XIV, sec. 1)

The implication in the above statement is that non-universal state-aided education to anyone over twenty-one years of age is prohibited. This interpretation was confirmed by the Supreme Court of Arkansas when it ruled:

> There are, however, certain limitations found in the Constitution, and one is the express limitation that the common school fund shall be devoted to the establishment of "free schools whereby all persons in the state between the ages of six and twenty-one may receive gratuitous instruction." The common school fund cannot be spent save for the instruction of persons between those ages. And another provision which we must read into it is that of uniformity, for the fund is manifestly intended for the common benefit of all of the people of the state. The Legislature has no authority to select an arbitrary basis for the disbursement of the funds. . .[6]

Because of the constitutional and legal restrictions cited above, an amendment was proposed to the Arkansas Constitution and was voted upon by the voters of that state in 1964. The amendment, consisting of two sections, provided that:

> The General Assembly may by law provide for the establishment of districts for the purpose of providing community college instruction and technical training. The General Assembly shall prescribe the method of financing such community colleges and technical institutes, and may authorize a tax upon the taxable property in such districts for the acquisition, construction, reconstruction, repair, expansion, operation, and maintenance of facilities therefor.
>
> No such district shall be created and no such tax shall be levied upon the property in an established district except upon approval of the qualified electors of such proposed or established district voting thereon. Provided that any millage so approved by the electors of a district shall be a continuing levy until increased, reduced or repealed in such a manner as may be provided by law, providing they shall ever remain a community college and shall never be extended into

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[6] Dickinson, et al. v. Edmondson, et al., 178 S.W. 930, (1915)

four-year institutions. (Amendment No. 52, sec. 1 and 2).

This amendment was approved by a vote of 221,199 to 219,618--a plurality of 1,581 votes or a margin of 50.17 to 49.83 per cent. This example augurs well for those who contend that constitutions should be broad and permissive, leaving to the legislatures the enactment of specific provisions on the theory that modification of statutes is more readily accomplished than is revision of a constitution.

The Arkansas constitutional provision is not nearly so specific as the Michigan provision discussed earlier. The Arkansas Constitution delegates to the state legislature the authority to provide the legal structure for controlling and financing the system. The most forceful provisions are those which prevent establishment of an institution without the consent of the voters of a proposed district and which preclude the possibility of any institution established under these provisions ever becoming a four-year institution.

Comparison of Constitutional Provisions

To provide a comparison of constitutional provisions for education among the states, a table was made which graphically depicts, for each state, the presence of constitutional provisions for public schools, higher education, or two-year colleges. These data are contained in Table 1 and show that the constitutions of all 50 states contain provisions for public schools, 35 state constitutions contain provisions for higher education, and only six provide specifically for two-year colleges as such institutions are defined in this study.

Summary

This chapter was concerned with an analysis of provisions for higher education generally, and two-year colleges specifically, in the constitutions of the 50 states in an effort to determine if existing constitutional provisions have any direct implications for administration of public two-year colleges in the respective states.

It was found that each of the states has made constitutional provisions for what is today commonly termed public school education which includes grammar, or elementary, and secondary schools. Thirteen of the 50 state constitutions make no provision for or mention of higher education. The remaining 37 states were categorized into two separate groups. The first group consisted of those states which had only general provisions for higher education or which did not specifically make reference to two-year colleges; the second group consisted of states whose constitutions either provided specifically for two-year colleges in some manner or contained references to a category of institutions to which the courts have ruled the two-year college belongs. Thirty-one states were contained in the first group, and six states were included in the second group.

Table 1. Presence of Constitutional Provisions for Public Schools, Higher Education, and Two-Year Colleges, by State

State	Public Schools	Higher Education	Two-Year Colleges
Alabama	x	x	
Alaska	x	x	
Arizona	x	x	N
Arkansas	x		x
California	x	x	
Colorado	x	x	
Connecticut	x	x	
Delaware	x		
Florida	x		x
Georgia	x	x	
Hawaii	x	x	
Idaho	x	x	
Illinois	x		
Indiana	x		
Iowa	x	x	
Kansas	x	x	
Kentucky	x		
Louisiana	x	x	
Maine	x	x	
Maryland	x		
Massachusetts	x	x	
Michigan	x	x	x
Minnesota	x	x	
Mississippi	x	x	
Missouri	x	x	
Montana	x	x	
Nebraska	x	x	
Nevada	x	x	
New Hampshire	x		
New Jersey	x		
New Mexico	x	x	
New York	x	x	
North Carolina	x	x	
North Dakota	x	x	
Ohio	x		
Oklahoma	x	x	
Oregon	x	x	x
Pennsylvania	x		
Rhode Island	x		
South Carolina	x	x	
South Dakota	x		
Tennessee	x		
Texas	x	x	x
Utah	x	x	
Vermont	x		
Virginia	x	x	
Washington	x	x	
West Virginia	x	x	
Wisconsin	x	x	
Wyoming	x	x	x

Representative examples of constitutional provisions of the states having constitutional provisions for higher education were presented and examined. A detailed examination was made of the constitutional provisions of each of the six states whose constitutions were construed as having implicit or explicit provisions for two-year colleges.

Within the category of states having constitutional provisions for higher education in general but having no specific provisions for two-year colleges, it was found that such provisions ranged from simple declarative statements of intent to have institutions of higher learning to a very detailed creation of statewide systems of higher education and the enumeration of the powers of the board of control. The constitutions of Georgia and Oklahoma were the most elaborate analyzed. Provisions in the Oklahoma constitution were so specific as to stipulate that state funds should be appropriated in a lump sum by the legislature to the board of regents who would then allocate the funds "according to the needs" of individual institutions. The operational implications of this type of system are investigated in subsequent chapters.

Constitutional amendments in Florida and Oregon, dating to 1963 and 1964, respectively, provide capital outlay funds for site acquisition, building, and equipping two-year colleges. Each of these provisions was viewed as being important in that each state recognizes in its constitution its responsibility for providing two-year colleges. The Florida provision is more specific in that it designates the sources from which funds are to be derived for a 50-year period and vests control of the funds in the state board of education subject only to approval of projects by the legislature prior to disbursement of funds. In each of these states there are implications for site selection, but once the institutions are operational there appears to be no implication for administration inherent in the constitutional provisions.

Only two state constitutions, those of Arkansas and Michigan, make direct provisions for systems of two-year colleges. In Arkansas, a constitutional amendment was necessitated when the Arkansas Supreme Court ruled that a constitutional provision providing for a system of free and uniform schools for persons between the ages of six and 21 years prohibited the use of state school funds for institutions not "uniform and free." The amendment, passed in 1964, provides that the state legislature may establish community college districts and prescribe the method of financing. The only prohibitive aspects of the amendment are that an affirmative vote of the qualified electors in a proposed district is necessary before the legislature can establish an institution, and that institutions so established can never become four-year institutions. Again, these provisions are not construed as containing implications for administration once an institution has been established by vote. To the legislature is left the authority to develop the administrative structure.

Of all the 50 state constitutions, that of Michigan was found to contain the most prescriptive provision for two-year colleges. This provision orders that the legislature of that state establish and support two-year colleges and provide by law for a state board for community and junior colleges which shall advise the state board of education concerning all aspects of two-year college development and operation. The constitution also provides that institutions so established shall be under the local control of an elected board. It has been hypothesized in this study that these provisions may affect two-year college operation. Analysis of different legal structures based upon certain quantitative variables which test the validity of this hypothesis is presented in a subsequent chapter.

It was determined that, for the most part, two-year colleges are unaffected by constitutional provisions. Only in Michigan were the provisions so restrictive as to raise questions concerning constitutional effect on administrative structure. No state constitution prohibits the existence of two-year colleges, and herein lies the key. One authority in school law, citing court rulings to substantiate his conclusions, wrote:

> . . . In education, as in other matters of government, the federal and state constitutions are the fundamental law. The principle is well established, however, that the state legislature, subject to constitutional restrictions, has authority to pass any act of a legislative nature which may in its opinion seem wise. . . Plenary power in the legislature for all purposes of civil government is the rule. It follows that it is for those who challenge the constitutionality of a statute to show that it is forbidden. (Edwards, 1955).

Finding little in the state constitutions having implications for two-year college administration, efforts in the next chapter are turned to an analysis of statutory provisions for two-year colleges.

CHAPTER III

STATUTORY PROVISIONS FOR TWO-YEAR COLLEGES

The analysis of constitutional provisions in the preceding chapter led to the conclusion that on a nationwide basis, there is little foundation for two-year colleges in state constitutions. Since the courts ruled that the power of a state legislature, unless restricted by either the United States Constitution or the state constitution, is plenary, attention was turned to an analysis of statutory provisions for two-year colleges in an attempt to ascertain the extent of diversity in legal structure and the possible implications for administration and operation inherent in this statutory structure.

Ten states make no statutory provisions for public two-year colleges. These ten states are Delaware, Maine, New Hampshire, Nevada, Indiana, South Carolina, South Dakota, Tennessee, Vermont, and Wisconsin.

Of this group, Wisconsin does make statutory provisions for a system of technical institutes which offer post-high school instruction, and these statutes contain one reference to academic transfer work:

> Any course that is acceptable as transferable to a college curriculum as set by the state board will incur a tuition cost to the student of 20 per cent of the total instructional cost for said course.[7]

It is implicit in this statutory statement that some academic education could conceivable take place within these institutions.

In 1965, the New Hampshire legislature enacted a statute which provided for the establishment of a seven-member commission whose responsibility it was to prepare a proposal for the creation of "junior colleges" and to file its recommendations with the governor no later than July 1, 1966. A search of the statutes of that state, however, revealed that no legislative action has been taken concerning any proposals which may have emanated from this commission.[8]

After examining the statutes of the remaining 40 states, it was decided that a seven-category classification was necessary to sufficiently differentiate among the different legal structures. The seven resulting categories which are analyzed in the subsequent sections of this chapter are: (1) two-year colleges as a part of a statewide system of higher education; (2) two-year colleges under state colleges or universities; (3) two-year colleges under a separate state board--with local boards of trustees; (4) two-year colleges under a separate state board--no local control; (5) two-year colleges under a state board

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[7] Wisconsin Statutes, Annotated, Chap. 41, Art. 41.155:6.

[8] New Hampshire Revised Statutes, Annotated, Title 15, Chap. 187, Art. 197.4.

of education--with local boards of trustees; (6) two-year colleges under a state board of education--no local control; and (7) two-year colleges as a part of the public school system and under local school boards. The following sections present an analysis of the statutes for these seven categories in terms of concept of the institution, state control, local control (where applicable), procedures and criteria for establishment, and financial provisions.

Two-Year Colleges as a Part of a State-wide System of Higher Education

Six states, Georgia, New Jersey, New York, Ohio, Oklahoma, and Rhode Island, were found to operate two-year colleges under the auspices of a state board of control which is responsible for the establishment of standards for all higher education in the state.

Georgia

It was established in the preceding chapter that by constitutional amendment the State of Georgia has created the Board of Regents of the University System which has the general responsibility of setting standards for all public higher education in that state. Within this framework the first two-year college legislation was enacted in 1958.

Concept. The "Junior College Act of 1958" provides for a program to be known as the "Junior College Program for the State of Georgia" and defines the institutions to make up this system as follows:

> "Junior College" shall mean a community educational institution constructed and operated by a local operating authority, which shall offer a course of study extending beyond the high school level providing either preparation for further college or terminal education or both.[9]

State Control. The powers and duties of the state-level authority are defined in the following terms:

> The Board of Regents [of the University System] shall adopt rules and regulations fixing policies and standards entitling the local operating authority to receive State aid for the support of junior colleges, and shall have the authority to make such inspections and supervision as shall be necessary to insure that such policies and standards are met as prescribed by the Board of Regents. If there has been failure to comply with such policies and standards by any such

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[9] Code of Georgia, Annotated, Title 32, sec. 32-162.

junior college, the Board of Regents shall have the authority to withhold or terminate the payment of any State funds which would otherwise be due under the terms of this law.

Local Control. Local control is vested in a "local operating authority" which is defined as follows:

> "Local Operating Authority" shall mean any city, county, county school system, independent school system, school system established prior to the adoption of the Constitution of 1887 or any other political subdivision of the State created for college purposes and possessing the power to tax, . . . or any combination of two or more of the above listed political subdivisions which may be authorized under law to utilize the provisions of this law.

The powers of the local operating authority are not defined, nor is there any mention of a specific board of control.

Financing. All institutions established under the authority of this legislation are financed by the local political subdivision establishing the institution, except that the Board of Regents of the University System pays to every local operating authority "the sum of $300 per nine-month academic year for each full-time equivalent student' to be used for teaching, instruction and maintenance purposes. The above mentioned funds are "the only direct financial contribution which the State shall make toward the establishment, maintenance, and operation of any junior college, or colleges established under the terms of this law."

The Georgia statutes make no provision for capital outlay funds, establishment, or control of the institutions. It appears from the wording of the above cited statute that the elected or appointed officials of the political subdivision which establishes the institution have the necessary authority either to operate the institution themselves, acting as a board of control, or to appoint a board of control, and, providing they possess taxing authority under the laws of the state, to levy taxes to construct and operate the institution. There is no direct provision for issuance of bonds nor a requirement of a vote of the electorate as a prerequisite for establishment.

New Jersey

Concept. Legislation for two-year colleges in New Jersey[10] dates back to 1962. In that year, provisions for "county colleges" were enacted. A county college is defined as

> . . . an educational institution established or to be established by one or more counties, offering programs of instruction, extending not more than two years beyond the

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[10] New Jersey Statutes, Annotated, Title 18A, sec. 18A:64A-1 to 18A:64A-22.

high school, which may include but need not be limited to specialized or comprehensive curriculums, including college credit transfer courses, terminal courses in the liberal arts and sciences, and technical institute type programs.

State Control. State control is vested in the board of higher education which is authorized to establish rules and regulations governing: (1) the establishment of county colleges; (2) the operation of county colleges which shall include but need not be limited to accounting and financial controls; establishment of tuition rates; rules for attendance of non-resident students; standards for granting diplomas, certificates, or degrees; and establishment of minimum qualifications for professional and staff members.

Local Control. Local control is the responsibility of a board of trustees one of whom shall be, ex officio, the county superintendent of schools and eight of whom shall be appointed by the director of the board of chosen freeholders (county commissioners). When more than one county participates in the operation of a county college, board membership is increased by two members for each additional county, and membership is apportioned on the basis of population in each county. Term of office is four years. Subject to the rules and regulations of the board of higher education, each board of trustees is empowered to: (1) adopt or change the name of the institution; (2) adopt and use a corporate seal; (3) sue and be sued; (4) determine the educational curriculum and programs of the college; (5) appoint and fix the compensation and term of office of the president of the college; (6) appoint, upon nomination by the president, members of the administrative, teaching and other staffs and fix their compensations and terms of employment; (7) fix tuition rates and other fees; (8) grant certificates, diplomas or degrees; (9) enter into contracts, accept gifts, endowments, and acquire and hold property; and (10) make and promulgate such rules and regulations not inconsistent with the law or rules and regulations of the board of higher education necessary for the operation and administration of the institution.

Establishment. To establish a county college, the board of chosen freeholders of one or more counties petitions the board of higher education which conducts or causes to be conducted a feasibility study. If the board establishes need and determines that such an institution would be financially feasible, then the board (or boards if more than one county is involved) may by resolution provide for the establishment of a county college. News of such a resolution is duly published; the resolution becomes effective within 45 days after passage unless a petition requesting a referendum signed by ten per cent or 10,000 registered voters, whichever is less, is presented to the county clerk. If such a petition is presented, the establishment of the college is submitted to a vote of the electors of the proposed district.

Financing. Each county college is required to have a "board of school estimate" consisting of the chairman of the board of chosen freeholders, two members of that board elected by the board,

and two members of the board of trustees of the college. In case of more than one county, there is a proration of membership. Each year, on or before February 1, the board of trustees must present the anticipated budget of the next fiscal year to this board of school estimate which in turn must hold a public hearing. After the hearing, the board of school estimate fixes and determines the amount of money necessary for operation and capital outlay expenses of the college for the ensuing year. This budget is presented to the board of chosen freeholders whose responsibility it is to assess and levy the amount of operating and capital outlay expenses certified therein. If the board of chosen freeholders deems it necessary, bonds may be issued for capital outlay after adhering to the above procedure. Within limits of funds appropriated by the state to the board of higher education, the board of trustees of a county college may apply to the board for capital outlay funds not to exceed one-half of the cost of capital outlay projects and operating costs not to exceed one-half the per capital student cost or $600, whichever is less.

New York

Much along the same lines as Georgia, New York has a board designated "The State University Trustees" which is ultimately responsible for all public higher education in the state.

Original legislation for "community colleges" in New York dates to 1948, and it appears that the intent and purpose of that legislation has not been markedly changed by amendments.[11]

Concept. Programs in the community colleges are comprehensive in that they

> . . .shall provide two-year programs of post-high school nature combining general education with technical education relating to the occupational needs of the community or area in which the college is located and those of the state and the nation generally, [but] training for certain occupational skills may be limited to selected community colleges by the state university trustees in order to avoid unnecessary duplication or overlapping of activities and programs. The curricula in community colleges shall be designed to serve the needs of students who seek two years of post-secondary education and whose needs would not ordinarily be met by the usual four-year college curriculum. However, such colleges shall nevertheless provide sufficient general education to enable qualified students who so desire to transfer after completion of the community college program to institutions providing regular four-year courses.

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[11] McKinney's Consolidated Laws of New York, Annotated: Education Law, Title 1, Art. 5 and Title 7, Art. 126, sec. 6301, 6303, 6305, and 6306.

Establishment and State Control. Pursuant to the master plan for higher education and the standards and regulations prescribed by the state university trustees, any city, county, intermediate school district, or school district approved by the state university trustees may, upon the approval of the state university trustees, acting through its legislative body or board, establish a community college or elect to participate with another local sponsor to share the expenses of operating a community college program. All curricula in a community college are required to be developed with the "assistance and guidance" of the state university trustees and are subject to the trustees' approval before implementation. No vote is required for establishment.

Local Control. The control of each community college in New York is vested in a nine-member board of trustees. Five members are appointed by the local legislative body or board or other governing agency, and four members are appointed by the governor from among members residing in the sponsoring community. Of those appointed by the local governing agency, only one may be a member of that agency. The board of trustees appoints the president of the college subject to the approval of the state university trustees; the board either appoints or delegates to the president the appointment of other staff and faculty members. Other board powers include the authority to

> . . .adopt curricula, subject to the approval of the state university trustees, prepare a budget for submission to and approval by the local legislative body or board, . . . and, subject to the general superivision of the state university trustees, discharge such other duties as may be appropriate, or necessary for the effective operation of the college.

The board is also empowered to accept gifts, hold title to real property and equipment, and, subject to the approval of the local sponsoring agency and pursuant to such regulations and limitations prescribed by the state university trustees, enter into any contracts and agreements deemed necessary to the operation of the college.

Financing. Financing is shared among state and local governments and tuition. State aid for community colleges is limited to one-half of the amount of capital outlay costs and one-third of the amount of operating costs, subject to such maximum limitations and restrictions as may be imposed by the state university trustees. These limitations may be based upon maximum allowances per student as determined by student capacity for capital outlay costs or for each student in attendance for operating costs. Local sponsors supply the remaining costs for capital outlay and operating expenses from special tax levies or by the use of property or gifts, or they may issue bonds pursuant to local finance laws; monies raised by bond issue are restricted to use for the college. Tuition and fees charged to students are limited by law to not more than one-third of the amount of operating costs.

Ohio

Ohio's first "community college" legislation dates to 1961.[12] Prior to that time the only statutory provisions for higher education were for state colleges and universities, several of which operated two-year branches, and enabling legislation for locally operated "municipal universities."

Concept. A community college, under Ohio law as enacted in 1961, is defined as

> . . . a public institution of education beyond the high school organized for the principal purpose of providing for the people of a community college district wherein such college is situated the instructional programs. . . "arts and sciences" [college transfer] and "technical", or either, and may include the "adult education" [as defined in this paper].

State Control. Initially, state control of the Ohio community colleges was under a separate junior college board, but in 1963 legislation was enacted which created an "Ohio Board of Regents." At that time the community colleges were placed under this new board. Members of the board of regents are appointed by the governor with the advice and consent of the senate. Membership on the board is prohibited to any trustee, officer, or employee of any public or private institution of higher education in the state. Generally, this new board is empowered to direct and supervise all education in the state beyond high school. Specifically, it is required to: (1) formulate a master plan for higher education in the state; (2) approve or disapprove establishment of new institutions or the expansion of old ones; (3) recommend the nature of undergraduate, graduate and professional programs to be offered or eliminated by each institution; (4) conduct studies and make recommendations to the governor; (5) review the requests for appropriations of all institutions; and (6) approve or disapprove all new degrees and degree programs at all state-supported institutions.

Local Control. Each institution is governed by an appointed board of trustees consisting of nine members. Six members are appointed by the board or boards of county commissioners of the community college district, and three are appointed by the governor with the advice and consent of the senate; all terms (after the initial term) are for five years. The board of trustees is charged with the responsibility of developing an overall master plan for the operation of the institution; the plan must be approved by the board of regents and include such items as need and prospective enrollment, lands, buildings, and facilities, a schedule for acquisition and construction, and proposed organization and programs of instruction to be offered. The board is also authorized to enter into a contract with a public college or university to offer such services.

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[12] Page's Ohio Revised Code, Annotated, Title 33, Chap. 3333 to 3354.

In addition to the powers to hold title to property, accept gifts, enter into contracts, and own and operate the community colleges the board of trustees is specifically empowered to appoint the administrative officers, faculty, and staff and fix their compensation; develop curricula (subject to approval of the board of regents); establish schedules of fees and tuitions; grant appropriate certificates of achievement; and prescribe rules and regulations for the effective operation of the institution.

Establishment. The establishment of all community colleges in Ohio is dependent upon approval of the board of regents. A proposal to create a community college district may be presented to the board of regents in three different ways:

1. The board of county commissioners of any county, having a population of not less than seventy-five thousand, may, by resolution approved by two-thirds of its members, propose the creation of a community college district consisting of the whole territory of such county.
2. The boards of county commissioners of any two or more contiguous counties, which together have a combined population of not less than seventy-five thousand, may, by a resolution approved by two-thirds of the members of each such board, together and jointly propose the creation of a community college district consisting of the whole territories of such counties together.
3. Qualified electors residing in a county or in two or more contiguous counties may execute a petition proposing the creation of a community college district comprised of the territory of a county or two or more contiguous counties. respectively. Such petitions shall be presented to the board of elections of the most populous county in which the proposed community college district is situated, and shall be signed by at least two per cent of the total number of resident electors who voted in the last preceding election for the governor. . .

Financing. For capital outlay funds for site acquisition, construction, improvement of facilities, and equipment, a community college district is authorized, subject to an affirmative vote of the qualified electors, to issue bonds and levy tax on all taxable property in the district to retire these bonds; issuance of such bonds must be in conformity with existing Ohio laws. Provisions for operating expenses are rather nebulously stated as follows:

> Operating costs of such community college may be paid out of any gift or grant from the state, pursuant to division (K) of section 3354.09 of the Revised Code [which states that: In no event shall state gifts or grants be expended for the support of adult education programs, nor shall they exceed the amount recommended by the board of regents]; out of student fees and tuition. . .; or out of any unencumbered funds

from any other source of the community college income, not prohibited by law.

There is no mention of the amount of state financial assistance, but whatever the amount, it is subject to certification by the Ohio Board of Regents that the institution is eligible.

Oklahoma

Prior to 1967 Oklahoma statutes provided for only "municipal junior colleges" and a state system of higher education comprised of three universities and 13 state colleges.[13] Of the 13 state colleges, seven are reported to be two-year institutions, but the statutes make no distinction.

Provisions for municipal junior colleges state:

> The Board of Education of any school district in this State may provide educational facilities and programs above the twelfth (12) grade in an institution to be known as a Municipal Junior College. Programs offered may include, but shall not be limited to, vocational and adult education courses.

Such institutions are operated by the local school district but are required to comply with the regulations and standards of, and be accredited by, the "Oklahoma State Regents for Higher Education." They offer only those courses and programs and grant only those certificates and degrees authorized by the state regents. Such institutions may charge fees and tuition and provide the remainder of their operating costs from whatever local funds are available and whatever appropriations may be granted to "institutions of higher education."

In 1967, without repealing the above statutes, the Oklahoma legislature provided for "community junior colleges."

Concept. No legislative effort was made to establish the concept of such community junior colleges.

State Control. State control was vested in the following manner:

> A community junior college may be established, maintained and operated in any community in accordance with criteria and standards, rules and regulations prescribed by the Oklahoma State Regents for Higher Education.
>
> . . . . . .
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> Each community junior college shall comply with, and be accredited under, standards and regulations prescribed by the State Regents; and shall offer courses of study and educational

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[13] Oklahoma Statutes, Annotated, Title 70, Art. 2, sec. 3201; Art. 12, sec. 4201 through 4204; and Art. 13, sec. 4401 through 4408.

programs and shall grant certificates and degrees as authorized by the State Regents in order that the educational activities of the junior colleges shall be coordinated with the total public effort for higher education in the state.

Local Control. Local control of community junior colleges is vested in a seven-member board of trustees, each of whom is elected to a seven-year term. The board of trustees is designated the governing authority of the college, responsible for supervision, management, and control of the institution. Specific powers and duties are to: (1) adopt rules and regulations deemed necessary to govern the institution; (2) employ and fix the compensation of all personnel necessary for operation of the institution and establish appropriate policies for retirement, group insurance, and other staff benefits as provided by other public colleges in the state; (3) purchase, construct, or rent facilities necessary for operation; (4) enter into contracts, make purchases, and incur expenses as necessary; (5) receive and administer all monies, gifts, grants and properties from state, federal or private sources; (6) establish a schedule of student fees, subject to the approval of the state regents; and (7) perform and carry out other powers granted or necessary to effect the purposes of the institution. The board of trustees is also authorized to enter into cooperative agreements with any area vocational-technical school in the community for joint use of facilities and personnel, joint courses of study and educational programs, and other cooperative efforts which are to the "mutual benefit of each school and the community."

Establishment. Any such community junior college may be established by the procedure outlined here. The governing board or boards of one or more cities, counties, towns, and/or school districts having territory in a proposed "community" may make application to the state board of regents for higher education for the purpose of establishing a community junior college. The board of regents makes a survey to establish need and ascertain that cirteria for establishment are met. If the board of regents approves the application, the question is then submitted to the voters of the included "community." If a majority of the qualified electors vote in favor of the establishment, the state board of regents issues an order authorizing the college. Existing accredited municipal junior colleges have first priority for admittance to the status of community junior college.

Financing. Financing of institutions established under this act is from tuition, local funds, and state appropriations. State allocations are made on a per capita basis, the amount of which is not given except that it will equal 50 per cent of the state appropriated per capita allocation made to two-year colleges which are member institutions of the "State System of Higher Education." The latter institutions are operated totally from state funds and tuition; therefore, state appropriations to local institutions should approximate 50 per cent of the cost of operating the local institutions. There is no specific reference to capital outlay expenses; this is

inferred to be a local responsibility. Neither are there specific provisions indicating how local funds are to be derived.

Rhode Island

Original legislation for "community colleges" in Rhode Island was enacted in 1960.[14]

Concept. Such two-year institutions were established "as a part of a unified system of higher education" with the purposes of providing

> . . .educational programs of two (2) year duration as follows: (a) two-year college transfer programs; (b) two-year terminal general education programs; (c) two-year college technical and vocational programs; (d) and such other educational programs and services as are appropriate to such institutions.

State Control. Much the same as Georgia and New York, Rhode Island has a "board of trustees of state colleges" which is the controlling board for all higher education in the state with specific reference to the two-year college. Contrary to the other two states, however, no local control of the two-year institutions is provided. Responsibility for the operation of these community colleges is stated thusly:

> The board of trustees of state colleges shall be responsible for the control, management, and operation of community colleges in the same manner as heretofore it has been responsible for the control, management and operation of the University of Rhode Island and the Rhode Island College of Education.

Establishment. Each community college is authorized by name in the statutes. The 1960 legislature authorized three such institutions which were to be in operation "on or after" the first of September, 1962, 1964, and 1966, respectively. Criteria for establishment are not enumerated.

Financing. Financing of the two-year colleges in Rhode Island is by state appropriation: "The general assembly shall appropriate such sums as it may deem necessary for the maintenance and support of the community colleges."

Two-Year Colleges under State Colleges or Universities

Six states--Alaska, Hawaii, Kentucky, New Mexico, Utah, and West Virginia--have statutory provisions for two-year colleges which

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[14] General Laws of Rhode Island, Title 16, Chap. 31, sec. 16-31-5, and Chap. 44, sec. 16-44-1 through 16-44-7.

operate under the general control of a state college or university. The first three states in this category operate institutions under the Universities of Alaska, Hawaii, and Kentucky, respectively. New Mexico actually has statutory provisions for two-year colleges to be operated under various state colleges and universities as well as enabling legislation for two-year colleges to be operated by one or more local school districts under the authority of the state board of education. Since the Junior College Directory indicated that four of six public two-year colleges in New Mexico operate under East New Mexico University and New Mexico State University, it was decided to include that state in this category. One of the two remaining public institutions is a military institute dating back to 1891 (Harper, 1968). The source of control of the remaining institution was not ascertainable. These two latter institutions were not given further consideration in the study.

There is no local control, as conceptualized in this study, for two-year colleges in states included in this category.

Alaska

Alaska operates its "community colleges" through the University of Alaska under legislation enacted in 1953.[15]

Concept. The concept of such institutions is that they shall offer

> . . .a program of education established by the University of Alaska in cooperation with . . . [a school district or political subdivision organized under the laws of the state, or a group of two or more contiguous school districts or political subdivisions of the state, or a combination of each], including both academic degree and non-degree programs.

State Control. The responsibility for and authority to operate community colleges is vested in the Board of Regents of the University of Alaska. The statutes, however, make considerable distinction between the "academic degree programs" and the "non-degree programs" mentioned above:

> Since academic education beyond the high school level is a state-wide responsibility, the board, in its discretion and as the need arises, may cooperate with the federal government and qualified school districts and political subdivisions in the establishment of appropriate higher education programs and activities. The board is responsible for the

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[15] Alaska Statutes, Annotated, Title 14, Art. 6, sec. 14.40.560 to 14.40.630.

> selection of all community college instructors, part and full-time, for the academic degree programs and activities.

The board of regents is authorized to establish whatever rules and regulations are considered necessary for the operation of community colleges; it also establishes academic qualifications for personnel in academic degree programs and determines the academic programs and curricula to be offered. Each institution is headed by a director selected by the board but subject to the approval of the local governing body of the school district or political subdivision.

Local Control. The only mention of local control of a community college is contained in the following sentence. "The selection and qualifications of personnel for non-degree programs and activities are the responsibility of the governing body of the school district or political subdivision."

Establishment. The "qualified school districts or political subdivisions" as defined above must meet the following minimum requirements to qualify for the establishment of a community college:

1. [Make] application to the Board of Regents of the University of Alaska for participation in the community college program.
2. [Satisfy] educational standards of the University of Alaska according to the criteria established by the Board of Regents.
3. [Have] an average daily membership during the previous school year of at least 75 high school students, grades 9-12.
4. [Establish] to the satisfaction of the Board of Regents the practical need for a community college within the political subdivision.
5. [Make] arrangements for defraying its proper share of the costs of the operation and maintenance of a community college . . . [as provided by this law].

Financing. All instructional and administrative costs for academic degree programs including cost of special equipment, instructional materials, and activities are paid by the University of Alaska from state appropriations and student tuition from academic degree programs. All tuition derived from academic programs must be returned to the university. All funds received from non-academic degree programs including tuition and fees are returned to the qualified school district or political subdivision which is required to pay all instructional and administrative costs for such programs. The only provision for capital outlay are contained in two paragraphs:

> If facilities used by the community college are owned by the school district or political subdivision, the board [of regents], subject to availability of appropriated funds, may reimburse the school district for all expenses directly related to facilities for academic degree programs and activities. The school district shall bear all expenses

directly related to non-degree programs and activities.

If separate facilities are financed, constructed, or maintained from federal, state, or private funds for either academic degree or non-academic degree programs and activities of the community college, then the board [of regents] has title to and control of the separate facilities used for these purposes. If separate facilities are financed, constructed, or maintained from school district or political subdivision funds for either degree or non-degree programs and activities, the school district or political subdivision has title to and control of the separate facilities used for these programs.

The preceding paragraphs are the substance of the statutory provisions for two-year colleges in Alaska. It appears that there possibly are two distinct institutions operating under one roof: (1) the transfer program over which the local authority has practically no control; and (2) the "non-degree" (occupational or adult) programs in which the local government has practically all authority. There is no mention of maintenance of standards for these programs.

Hawaii

The statutory authority for community colleges in Hawaii,[16] which dates to 1964, is very brief and is contained in three short articles:

> The board of regents of the University of Hawaii shall develop and administer a system of community colleges.
>
> The purposes of community colleges shall be to provide two-year college transfer and general education programs, semi-professional, technical, vocational, and continuing education programs, and such other educational programs and services as are appropriate to such institutions.

The powers of the board of regents are outlined as follows:

> The board shall have the authority to establish and govern community colleges. It shall have the same powers with respect to community colleges that it has as to the university in general.

The above two sections are all of the statutory provisions for community colleges in Hawaii with the exception of one article which exempts from the legislation one of the islands making up the state. Apparently, there are no local participation, no local control, no local

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[16] Revised Laws of Hawaii, 1955, Title 6, Chap. 44, sec. 44-91.

monies, and no statutory provisions for capital outlay, tuition, or qualifications of personnel except as provided by regulations of the board of trustees of the university.

Kentucky

Legislation for Kentucky "community colleges" was first enacted in 1962. [17]

Concept. The concept of such institutions is expressed in the following terms:

> The University of Kentucky Community College system is established. Each community college shall provide [as amended in 1966]: (1) A general two-year academic curriculum with credits transferrable to two-year and four-year colleges and universities; (2) Technical and semi-professional programs of two years or less; and (3) Within a two-year college curriculum, courses in general education, including adult education, not necessarily intended for transfer nor technically oriented.

State Control. The powers of the Board of Trustees of the University of Kentucky over the community colleges are stated as follows:

> The board has the same powers with respect to the community college that it has to the University of Kentucky in general. The board shall designate each community college with a name that includes the words "community college."

Establishment. Each community college is established by name in the statutes creating the system. Additional institutions must therefore be created by legislative amendment.

Financing. All funds for operation and capital outlay expenses of community colleges are from state appropriations and tuitions except that:

> The board shall encourage and may accept donations of land or funds or both to be used in the acquisition, construction, or operation of community colleges. . .
> The board may accept federal grants to be used in the acquisition, construction, or operation of community colleges.

The Kentucky statutes actually make no direct provisions for capital outlay, operating expenses, qualifications of personnel, tuition, local participation (except by advisory committee), criteria for establishment, or administration. All these decisions rest with the university trustees.

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[17] Kentucky Revised Statutes, Title 13, Chap. 164, sec. 164.580 to 164.59.5.

New Mexico

New Mexico has provided legislation for two different types of two-year colleges.[18] The earliest legislation dates back to 1957 and is concerned with "branch community colleges." Later legislation, enacted in 1963, pertains to "junior colleges" which are to be locally controlled and financed institutions. Since there is at most one two-year college in New Mexico which operates under this legislation, and since a later analysis will include existing institutions, only an analysis of the legislation providing for branch colleges is included here.

Concept. Programs within a branch community college are defined as follows:

> Branch community college educational program . . . [for the purpose of the act] includes the first two (2) years of college education and may include organized vocational and technical curricula of not more than two (2) years' duration designed to fit individuals for employment in recognized occupations.

State Control. Although no direct reference is made to state control, it is inferred from statements made under procedures for establishment that the board of regents for the four-year college possesses absolute authority to operate two-year institutions.

Local Control. There is no local control as such, but local school boards participate in establishment as described below and also appropriate local funds as described in the section on financial provisions.

Establishment. Procedures for establishment are set forth as follows:

> A branch community college may be established in a school district upon the showing of need by the local board of education; or a branch community college may be established to include more than one school district, in which instance the boards of education shall act as a single board, and if the branch community college is established, shall continue to act as a single board. . .

The major duties of these boards of education are to: (1) initiate and conduct a survey; (2) select the parent institution; (3) enter into written agreements with the parent institution; and (4) act as an advisory board to the board of regents of the parent institution.

The "New Mexico Board of Educational Finance" is responsible for

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[18] New Mexico Statutes, Annotated, Title 13, Art. 30, sec. 73-30.17 through 73-30.27 and Art. 33.

establishing criteria for the development of branch community colleges, and no such institution may be established without the authorization of this board. Upon authorization of the board of educational finance, the board of regents of the parent institution and the local board of education enter into an agreement which provides that the higher education institution is to have full authority and responsibility pertaining to all academic matters and the outlining of the courses of study offered. Also included are provisions for cooperative use of facilities and a detailed agreement on financing.

Financing. Branch community college operating expenses are financed by tuition and fees which are set by the board of regents of the parent institution, except that the local school board is authorized to levy a property tax which can yield not in excess of one hundred dollars for each full time equivalent student; the parent institution is authorized to request of the board of educational finance an amount each year not to exceed three hundred dollars for each full-time equivalent student. For capital outlay the local board of education is authorized to issue bonds subject to approval of the board of educational finance and a vote of a majority of the qualified electors in the district.

Utah

Utah has three two-year colleges created by individual legislative acts prior to 1938.[19] In 1951 one of these two-year institutions was brought under the control of Utah State University; in 1959, a second of these institutions was placed under the control of the University of Utah. It would appear from the statutes that the third two-year college was under the jurisdiction of the state board of education, but the statute was repealed. Exactly where the control of the third institution finally rests is not clear from the statutes.

These institutions are financed from the general funds of the state as appropriated to the controlling university by the legislature except that each institution has a minimum tuition charge of one hundred fifty dollars for an academic year for residents of the state and a tuition charge of five hundred dollars for out-of-state residents. The governing board of each institution does have the authority to exceed this amount but cannot charge less.

The two paragraphs above represent the essence of provisions for two-year colleges in the State of Utah. There are no provisions for faculty, administration, or staff, nor are there provisions for

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[19] Utah Code, Annotated, Title 53, Chap. 33, secs. 53-32-2 and 53-33-19; and Chap. 34, secs. 52-34-1 and 53-34-2.

concept, control, establishment, or capital outlay. Legal provisions for two-year colleges are actually so meager as to preclude analysis.

West Virginia

In West Virginia all four-year institutions of higher education except the University of West Virginia are under the jurisdiction of the state board of education. The University of West Virginia is controlled by a board of governors.

From current legislation[20] it would appear that at least since 1961 both the board of governors of the university and the state board of education have been authorized to operate two-year branches of the university and four-year colleges, respectively.

Concept and Establishment. In 1967 this legislation was reaffirmed and conceptualized in the following manner:

> The board of governors [of the university] is hereby authorized and empowered to continue to operate and maintain any branch colleges it has established under the authority. . . [cited in footnote above], and to establish, maintain and operate such other branch colleges as it may deem advisable: Provided, that programs of education offered in such branch colleges, whether established or continued hereunder, shall not exceed two-year liberal arts programs and/or terminal occupational education and adult education programs.

In essentially the same words as those quoted above, the state board of education is equally empowered to operate such branches under other four-year state-supported institutions of higher education under its control.

State Control. The respective boards of control are authorized to fix enrollment, tuition, and other fees. All funds so derived are to be placed in a special fund to be used only for the purposes for which they are collected.

Local Control. There is no local control associated with such branch institutions, but there are provisions for local participation in the financing of such branches.

Financing. Operating and capital outlay funds and prohibitions concerning their sources are discussed as follows:

> No funds shall be expended by the State board for the operation or maintenance of, or capital improvements for, any

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[20] West Virginia Code, Chap. 18, Art. 2, secs. 18-2-13, 18-2-13a, and 18-2-15a; Art. 11, secs. 11-11-96 and 18-11-1; and Chap. 25, Art. 10, sec. 25-1a-66.

such branch college, whether established or controlled hereunder, except funds provided by student fees, federal grants, county boards of education, other governmental bodies, corporations, or persons, or funds appropriated by the legislature expressly for such purpose or purposes. Except for the use of funds provided by student fees, federal grants, or those appropriated by the legislature expressly for such purposes, the burden of providing satisfactory and acceptable capital improvements for such colleges shall be upon such governmental bodies, corporations or persons.

Local governmental agencies are also authorized to either convey such capital improvements to the state board or to lease them without charge. Provisions are identical for the board of governors of the university.

The above paragraphs represent the essence of the entire act passed in 1967, but as indicated above, authority to establish such institutions apparently dates back to at least 1961, and possibly longer.

Two-Year Colleges under a Separate State Board--with Local Boards of Trustees

Eleven states have separate state boards whose sole responsibility it is to control the operation of two-year colleges. These eleven states can be sub-categorized into two groups: those which provide some measure of local participation and some degree of local autonomy through provisions for local boards of trustees, and those which have a centrally operated, state-financed, and state-controlled system of two-year colleges. Sufficient differences in legal concept appear to exist between the two groups to warrant separate categorization. This section examines the statutory provisions of those states providing some degree of local control; a subsequent section is concerned with an analysis of provisions in those states having little or no local participation and no local control.

Six states--Arizona, Arkansas, Illinois, Mississippi, Washington, and Wyoming--have separate state boards for two-year colleges but make allowances for local autonomy in the control of those institutions.

Arizona

Prior to 1960 Arizona had general enabling legislation which authorized a high school district with certain minimum assessed property valuation to establish a locally operated and financed two-year college under the control of the local school board.[21]

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[21] Arizona Revised Statutes, Annotated, Title 15, Chap. 6 and Chap. 6.1, Art. 2, secs. 651 through 691.

Legislation was enacted in 1960, to be effective July 1, 1961, which created a state system of "junior colleges" and placed them under the control of a newly created "State Board of Directors for Junior Colleges."

Concept. Under the new legislation, a "junior college" is defined as

> . . .an educational institution which provides a program not exceeding two years' training in the arts, sciences and humanities beyond the twelfth grade of the public or private high school curriculum or vocational education, including terminal courses of technical and vocational nature and courses beyond the basic education courses for adults.

State Control. The new board consists of 14 appointed members, one from each county of the state, who are appointed by the governor with the advice and consent of the senate, plus three ex officio members. One ex officio member is to be a representative of the board of regents for higher education, another the superintendent of public instruction, and the third the director of the division of vocational education. The term of each appointed member is seven years. This new state board was designated a body corporate with the powers inherent therein and with administrative powers to: (1) set standards for the establishment, development, administration, operation and accreditation of junior colleges; (2) certify faculty; (3) fix tuition and fees; and (4) establish all curricula.

Provisions are made to allow the new state board to integrate all existing junior colleges into the new state system, providing the voters of the district vote in favor. Provisions are also included which allow the state to assume the debt obligations of the junior college districts which become a part of the state system.

Local Control. Statutes provide for a junior college governing board consisting of five members elected from state board-established precincts in each junior college district. The powers of the local governing board include the authority to: (1) enforce the courses of study and the use of textbooks prescribed and adopted by the state board; (2) appoint a president and all other employees as it deems necessary; (3) determine the salaries of persons appointed and employed; (4) remove any officer or employee when in its judgment the interests of education in the state so require; and (5) award degrees, certificates and diplomas upon the completion of such courses and curricula as it deems appropriate.

Establishment. Establishment of new junior college districts is authorized subject to the following criteria. A county, or two or more contiguous counties, with an assessed property of 60 million dollars and a graduating high school class of at least 800 students, may, upon petition of ten per cent of the qualified electors and approval of the new state board, submit to the voters of the pro-

posed district a referendum proposing the establishment of a junior college.

Financing. The financial arrangements for the institutions provide that the state, by legislative appropriation, shall pay 50 per cent of the total cost for capital outlay including equipment and facilities, not to exceed five hundred thousand dollars, except in the case of multi-campuses. A district may, with the approval of the state board, hold an election to determine whether or not a bond issue covering its share of capital outlay expenses will be issued. Operating expenses are paid by the state on the basis of $525 for each full-time equivalent student for the first 1,000 students and $350 for all full-time equivalent students over that number. The remaining portion of operating expenses is borne by the local director.

Arkansas

As was discussed in the preceding chapter, Arkansas[22] amended its constitution in 1964 to provide for a system of two-year colleges. The major provisions of the amendment were to the effect that the legislature could authorize a property tax in the college district, that no tax could be levied without the vote of the electors of the district, and that institutions established under the amendment would forever remain two-year institutions. Legislation followed in 1965.

Concept. The Arkansas legislation refers to the two-year college as a "community junior college," and defines it as

> . . .an educational institution established or to be established by one or more counties or cities, of this State and offering specialized or comprehensive programs of instruction extending not more than two (2) years beyond the high school level, which may include but need not be limited to courses in technological and occupational fields or courses in the liberal arts and sciences, whether or not for college credit.

State Control. Statewide control of the community junior colleges is vested in a "State Community Junior College Board" which is actually constituted from the state "Commission on Coordination of Higher Education Finance." The functions of this board are to: (1) act as coordinating agency between the community junior colleges, public schools, and state-supported colleges and universities to develop criteria for the transfer of credits from the two-year colleges to senior institutions; (2) promulgate criteria for the establishment of districts for the two-year colleges which are to include size and location of site, nature and extent of the program, size and type of buildings required, the projection of three hundred full-time

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22 Arkansas Statutes, Annotated, Title 80, Chap. 42, secs. 80-4201 through 80-4206.

equivalent students by the beginning of the third year of operation, and evidence that the proposed tax levy will be sufficient to meet required local contributions; (3) establish the minimum qualifications for a president of a community junior college; (4) develop uniform budget format and reporting procedures for all institutions; and (5) determine, in cooperation with other state agencies, that state funds are used in conformity with proper rules and regulations.

Local Control. Local control of a community junior college is vested in a nine-member board consisting of qualified electors. The initial board members of each institution are appointed to staggered terms by the governor with the advice and consent of the senate. Subsequently, all members of the board are elected. In addition to the usual corporate powers, duties of the board are: (1) to determine, with advice of the "state junior college board," the educational program of the institution; (2) with advice of the junior college board, to appoint and to fix compensation and term of office of a president; (3) to appoint, upon nomination of the president, all other faculty and staff members and to fix their compensation; (4) to grant diplomas and certificates; and (5) within the confines of the statutes and the regulations of the junior college board, to make such rules and regulations necessary for the proper administration and operation of the institution.

Establishment. Upon the request of a citizens' group representing a proposed community junior college district, the state community junior college board makes the necessary studies to determine the feasibility of the proposed district. If the board certifies that the proposed district is feasible and conforms to the requirements of the law, the qualified electors of the district, upon presentation of a petition signed by ten per cent of their number voting in the last governor's election, may vote upon its establishment. The petition must describe the proposed district, the maximum rate of millage to be levied for support of the district, and the amount of such millage which may be pledged for bonded indebtedness.

Financing. The financing of operating costs is "as nearly as possible" divided evenly among student fees, taxes levied by the district, and state revenues. Each community junior college district is responsible for all capital costs of the district "including, without limitation, the acquisition of lands, the constructing of improvements, buildings, and facilities thereon and therein the acquisition of initial equipment." Replacement of initial equipment is to be considered an operating expense.

Illinois

Prior to 1965 Illinois had general enabling legislation which authorized any school district having a certain minimum population to operate, upon the vote of the people and as a part of the common

school system, a two-year college.[23]

In 1965 the Illinois legislature enacted new legislation providing for new two-year colleges and a new "Illinois Junior College Board."

Concept. The 1965 legislation recognizes two types of junior colleges, class I and class II. Class I institutions are those established or accepted under the criteria of the 1965 act, and class II contains those two-year institutions not meeting the requirements for class I and consists primarily of those established under previous statutes and not having a separate tax rate for junior college purposes. Provisions are made for evolving from class II to class I. All class I districts are required by law to offer a "comprehensive junior college program" defined as:

> A program offered by a junior college which includes: (1) courses in liberal arts and sciences and general education; (2) adult education courses; and (3) courses in occupational, semi-technical, or technical fields leading directly to employment. At least 15% of all courses taught must be in fields leading directly to employment, one-half of which courses must be in fields other than business education.

State Control. State control of all two-year colleges in Illinois is vested in the new junior college board which consists of nine members. Eight of the nine members are appointed by the governor, with the advice and consent of the senate, to six-year terms; the ninth member, ex officio, is the superintendent of public instruction, with voting rights. Among the powers and duties of this board are those to: (1) develop articulating procedures among two-year colleges and between two-year and four-year colleges; (2) provide statewide planning and coordination of programs, services, and activities of all junior colleges in the state; (3) organize and conduct feasibility studies for new junior colleges; (4) coordinate institutional research efforts; (5) enter into contracts with other governmental agencies; (6) accept and appropriate federal funds; and (7) determine adequate standards for establishing and operating junior colleges.

Local Control. Each junior college is controlled locally by an elected board whose seven members serve a three-year term. The board is a body corporate with all ensuing powers. Additionally, the board is empowered to: (1) establish tenure policies; (2) borrow money and issue bonds; (3) purchase sites, condemn land, erect and lease buildings, accept federal funds, gifts, and grants; and (4) employ all personnel needed to operate the institution and fix their compensation.

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[23] Smith-Hurd Illinois Annotated Statutes, Chap. 122, secs. 13-12 through 13-21 and 101-2 through 106-4.

Establishment. To establish a junior college requires that a proposed district have an equalized assessed property valuation of not less than $75,000,000 and contain either a population of not less than 30 thousand persons or consist of at least three counties. A petition signed by 500 or more voters and containing a proposed district and maximum proposed tax rates must be presented to the Illinois Junior College Board. The board then makes a feasibility study. If it approves the petition, findings are submitted to the Illinois Board of Higher Education, which makes a final decision on whether or not the proposal conforms to the comprehensive junior college program. Assuming a favorable recommendation, the issue is then submitted to the voters of the proposed district.

Financing. Any junior college board is empowered to charge tuition to each student not to exceed one-third of the per capita cost of operation. Other operating and capital outlay expenses are borne by the junior college district, except that the state reimburses each institution at the fixed rate of $11.50 for each semester hour carried by each student at least through mid-term, providing the student is a resident of the state.

Mississippi

Mississippi had two-year college legislation enacted in 1922 which has not changed in essential detail except that in 1928 control of such institutions was removed from the state board of education and vested in a separate board.[24] From the statutory provisions available, it appears that a major recodification of junior college legislation was effected in 1950. Changes since 1950 have been more in the form of amendments.

Concept. Prior to 1964 there was no legal definition of a "junior college" in Mississippi statutes, but it is evident from amendments made as recently as 1962 and 1964 that the concept has evolved to include technical and vocational education. For example, a 1962 amendment requires that the state superintendent of education appoint a specialist in the field of technical-vocational education to assist junior colleges in making studies and developing course content for such programs. A 1964 amendment provides for the establishment of a fund for "the stimulation of vocational and technical training programs of the junior colleges of the State of Mississippi." At the same legislative session, an amendment was passed which defines the comprehensiveness of the junior college:

> Any junior college district is charged with the responsibility for providing professional courses, liberal arts, technical, vocational and adult education courses and shall

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[24] Mississippi Code, Annotated, Title 24, Art. 19, sec. 6475-06 through 6475-67 and sec. 6477-02.

> undertake to provide the same as conveniently as possible to the residents of the district, and to this end the board of trustees is empowered to transport such enrollees as in its discretion, should be transported in the best interest of the district.

State Control and Establishment. Existing Mississippi statutes place the two-year colleges in that state under the jurisdiction of a "Junior College Commission" consisting of ten members: the state superintendent of education who is ex officio the chairman, the chancellor of the University of Mississippi, the president of Mississippi State University, the president of Mississippi State University for Women, three junior college presidents who are named to three-year terms by the State Junior College Association, and three lay members, appointed by the governor with the advice and consent of the senate, whose tenure is for six years. Members of the board must be qualified electors from the districts from which they are appointed and are prohibited from being, at the time of appointment, an employee or trustee of any school or junior college of the state.

The junior college commission is authorized to regulate the establishment and operation of junior colleges in the state and is specifically empowered to: (1) make studies of the needs of the state and communities for junior college education and delegate to various junior colleges the responsibility for offering needed programs; (2) divide the state into junior college districts and affix boundaries; (3) fix standards for appropriations, training of teachers and administrators, administrative organization, and curriculum; (4) determine income to be derived from local tax sources; and (5) determine enrollment and admission requirements.

Local Control. Local control of a junior college is vested in a board of trustees consisting of six members from each of the counties initially forming the junior college district. One of the trustees from each county, ex officio, is the county superintendent of education; other members are elected to five-year terms and represent districts within the counties. The powers of the local board of trustees are rather generally stated:

> The duties of the trustees shall be the general government of the junior college and direction of the administration thereof. Subject to the provisions of this act, they shall have full power to do all things necessary to the successful operation of the junior college. However, the executive head of the junior college shall be the president of the college who shall be selected by the board for a term not to exceed four years.

The board is also empowered to hold title to all school property and, if properly accredited, issue diplomas.

Financing. The financing of capital outlay and operating expenses is primarily a local responsibility. Except for monies appropriated by the state for technical and vocational education, which include funds for capital outlay and operation, funds are provided as follows:

> Taxes for the support, enlargement and improvement of junior colleges shall be levied annually against all of the property of each . . . [junior college district]; but in no case shall such levy exceed three mills for support and three mills for improvement. . .

Trustees may, at their discretion, charge fees and tuition to augment income. The board of trustees of each junior college is empowered to study and evaluate operating costs and recommend the tax levy necessary to maintain the institution and is also empowered to issue bonds for capital outlay and/or operation.

Washington

Before 1967 two-year colleges in Washington were maintained by local school districts with the prior approval of the state board of education and offered academic, technical, vocational, and adult education. The state board of education promulgated criteria for the establishment of such institutions as well as rules governing their operation. Institutions were financed from both local and state funds and were governed by local school boards until 1965, at which time provisions were made for the election of a separate board of trustees.

In 1967 the Washington legislature enacted statutes, to be immediately effective, creating a new "state system of community colleges" and a new "state board for community college education" charged with responsibility of operating the new system.[25] Also established was the position of director of the state system who was to be appointed by the board to serve at its pleasure.

Concept. The concept of the new system was established by the legislature in charging the new board with the following responsibilities:

> Ensure that each community college district shall offer thoroughly comprehensive education, training and service programs to meet the needs of both the communities and students served by combining with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of educational, cultural and recreational nature.

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[25] Revised Code of Washington, Annotated, Title 28, Chap. 28.84, secs. 28.84.170 through 28.84.920 and Appendix 28.7, secs. 2 through 37.

State Control and Establishment. Control of the new state system of institutions, as stated above, is placed in the hands of the new state board for community college education. This board consisting of seven members, one from each of the seven congressional districts of the state, is appointed by the governor, with the consent of the senate, to seven-year terms. Restrictions on membership are that members must be citizens and residents of the state, and none shall be a member of the state board of education or a member of a local K-12 school board or employed by the common school system or have any direct pecuniary interest in education within the state. The board is charged with supervision and control of the state system of community colleges in general, and its specific powers and duties include: (1) preparation of a budget for the system; (2) establishment of guidelines for the receipt and disbursement of funds; (3) preparation of a master plan for development of community college education; (4) definition and administration of criteria for establishment of new institutions; (5) establishment of minimum standards to govern operation of institutions; (6) establishment of qualifications for administrative and instructional personnel; (7) determination of curriculum content, degree requirements, admission policies; and (8) coordination of research activities.

Local Control. To facilitate development of the new system on a statewide basis, the 1967 legislation divided the entire state into 22 community college districts and provided that each district should be governed by a "community college board of trustees" consisting of five members appointed by the governor. The powers of these district boards are numerous, but in general and under the control of the state board, the district boards: (1) operate all existing public community colleges and technical institutes in the district; (2) create comprehensive programs and maintain an open-door policy; (3) employ, subject to qualifications established by the state board, a chief administrator and all other employees; (5) with approval of the state board, construct new facilities as needed; (5) lease, operate and equip dormitories, food service facilities, bookstores, and other self-supporting facilities; (6) with approval of the state board, issue and sell revenue bonds for constructing, repairing, and equipping facilities; (7) prescribe fees and make rules and regulations for student conduct; and (8) grant degrees authorized by the state board.

Financing. Apparently, financing is from tuition and state appropriations. Tuition is established by statute at the rate of $50 per quarter for students who are residents of the State of Washington and $150 for non-residents. Fees are limited to $20 per quarter for each student. Sixty per cent of all tuition and fees is retained by the district trustees to be used for operating expenses and for the retirement bonds issued for capital improvements. Forty per cent of all tuition and fees reverts to the state to be used for retirement of community college construction bonds issued by the state. Grants received and "such additional funds as the legislature may provide" are also deposited to the account of the state board.

Wyoming

Statutory provisions for "junior colleges" in Wyoming date back to 1945.[26] Original legislation provided that such institutions were to be operated by local school districts. Legislation for "community colleges" and a new state board of control date to 1951.

Concept. Institutions established under the 1951 legislation are designated "community colleges" and offer programs of academic work in the freshman and sophomore years of college, general and vocational education in the terminal programs, and adult education services. Junior colleges and university centers are defined as institutions established under a previous act.

State Control. In 1951 there was created a "Community College Commission of Wyoming." As now constituted this commission consists of a variable number of ex officio and appointed members. Included on the commission are the president and one member of the board of trustees of the University of Wyoming, the director of the division of adult education and community services at the University of Wyoming, the state superintendent of public instruction, an employee of the state department of public instruction appointed by the superintendent of public instruction, the director of each community college, one member from each community college district appointed by the local board from a list of persons nominated by the director, the executive head of each junior college or university center, and one member appointed by the high school board of the school district maintaining such institutions. This board is empowered to: (1) study the educational needs of the state and make recommendations to the several institutions and the University of Wyoming; (2) study personnel, administrative, and fiscal policies and recommend minimum standards therefor; (3) formulate uniform methods and procedures for course credit hours, the designation of courses, requirements for entrance and graduation; (4) prescribe standards, jointly with the board of trustees of the University of Wyoming, for the associate in arts degree to be awarded by the university and community colleges; (5) participate with the University of Wyoming in making recommendations to control and distribute appropriations made by the legislature; (6) regulate establishment of community colleges by requiring such information and surveys as necessary to determine need, financial ability of the district, and soundness of educational programs; and (7) approve or disapprove the establishment of community colleges.

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[26] Wyoming Statutes, Annotated, Title 21, secs. 21-313 through 21-499.

This board differs considerably from other two-year college boards in that higher education in the entity of the state university is strongly represented, and in that members of administration and trustees of the two-year colleges are represented thereon.

Local Control. Local control is vested in a seven-member "community college district board" of which each member must be a qualified elector of the district and elected to a three-year term. The board is empowered to: (1) appoint a chief executive; (2) approve the institutional budget; (3) promulgate rules and regulations necessary for the government of the institution not inconsistent with the law or rules and regulations of the commission; (4) direct the disbursement of any funds received by the institution; and (5) make agreements with the University of Wyoming providing for the joint operation of the institution in such matters as may be agreed upon for the furnishing of services, facilities, and staff members of the University of Wyoming.

Financing. Such institutions are financed from local funds, state funds, and tuition which each institution is authorized to collect. The local board of trustees is authorized, subject to a majority vote of the electors, to issue bonds for capital outlay not to exceed two per cent of the assessed valuation of the property in the district. The state legislature has, on occasion, provided state funds to the University of Wyoming to be used for the employment of teaching personnel in specific community colleges. A 1959 amendment provided that:

> State funds for the assistance of community colleges shall be appropriated to the community college commission. Funds appropriated for each biennium shall be distributed . . . annually on a flat grant and a per student basis.

There is no mention of specific amounts, and it is left to the discretion of the commission to decide what proportions shall constitute flat grants and what proportions are allocated on a per pupil basis.

Establishment. In addition to securing the approval of the community college commission, requirements for the formation of a community college district are: (1) an assessed property valuation of not less than $30,000,000; (2) not less than 700 pupils enrolled in grades nine through 12 of the high schools; and (3) a petition by 500 or 25 per cent, whichever is smaller, of the qualified electors residing in the district. If the petition is approved by the state commission, the question, accompanied by the question of a property tax levy not to exceed four mills, is submitted to the qualified electors of the proposed district.

Two-Year Colleges under a Separate State Board--No Local Control

Five states--Colorado, Connecticut, Massachusetts, Minnesota, and Virginia--have legislation providing for systems of two-year

colleges, control of which is vested solely in a state-level board. It was felt that these states were sufficiently different from the preceding category to warrant separate consideration. Statutes of states in this category are examined in terms of concept, state control, establishment, financing, and, where such vestiges exist, local participation (as differentiated from local control).

Colorado

Until 1967 Colorado operated its junior colleges on local option either as part of the public school system where junior college district boundaries were coterminous with school district boundaries, or under a separate "board of directors" if not. These institutions were financed primarily from tuition and local funds.

Concept. At its 1967 session the Colorado legislature made major revisions in the statutory provisions for post-high school education of the state.[27] At that time the legislature decreed:

> The general assembly hereby declares that this article is passed in conformity with the plan for the development of higher education in the state, which includes a system of state general colleges, the functions of which shall generally be those of undergraduate education; a system of universities and special purpose institutions conducting extensive graduate and research programs, as well as providing courses in undergraduate education; and a system of two-year colleges conducting occupational, technical, and community service programs with no term limitations and general education, including college transfer programs, with unrestricted admissions. . .

State Control and Establishment. To effect the development of the state system of two-year colleges described above, the general assembly created a "state board for community colleges and occupational education" which is a body corporate with ensuing authority. It is specifically empowered to: (1) recommend to the commission on higher education and the general assembly the location and priorities for establishment of new community colleges and technical institutes; (2) construct or otherwise provide facilities needed for community and technical colleges as authorized by the general assembly and issue revenue bonds for construction; (3) fix tuition and fees; (4) approve the appointment of the chief administrative officer of each two-year college; (5) recommend and review proposals for the establishment of curricula and major curriculum

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[27] Colorado Revised Statutes, 1963, Chap. 123, Art. 23, secs. 123-23-1 through 123-23-54 and Chap. 124, Art. 26, sec. 124-26-2 through 124-26-30.

changes subject only to the review function of the commission of higher education relating to formal academic programs; (6) define the appropriate degrees and certificates and authorize the award thereof subject to the review function of the commission on higher education as related to formal academic programs; (7) recommend to the commission on higher education and the general assembly both operating and capital budget requests of institutions under its jurisdiction; and (8) determine policies pertaining to community and technical colleges, subject only to the functions and powers assigned by law to the commission on higher education relating to formal academic programs. The board also appoints such state-level officials as it deems necessary to carry out the duties of the board.

This state board assumes most functions usually allocated to both state and local boards of control. This board consists of nine members appointed by the governor subject only to the restrictions that no appointee shall be an officer or employee of any junior college or state institution of higher learning, and no more than five members shall come from any one political party.

As an inducement for previously existing junior colleges to join the system, the state offers to assume all outstanding debt obligations. Each district board is authorized to submit a plan for joining the state system which includes dissolution of the existing board of trustees and transfer of all property to the state board. If such a district board has failed to act within five years, a petition signed by 300 qualified electors of the district may require that the issue be submitted to the electors of the district. All institutions which now exist outside the system are placed under the jurisdiction of the new state board to the same extent they were formerly controlled by the state board of education; further, no state assistance will be made to these institutions except through the new board. All subsequently created two-year colleges not created as a part of the state system are prohibited from receiving any state funds for capital outlay unless the new board gives prior approval.

Local Participation. The only element of local participation is in the form of a five-member advisory board designated a "college council" appointed by the governor and having the following duties: (1) to review the qualifications of presidential applicants and employ the chief administrator, subject to prior approval of the state board; (2) to recommend, through the chief administrator, to the state board an annual budget, campus plans, and other proposals concerning activities within the institution; (3) to confirm appointments of professional staff as recommended by the chief administrator; and (4) to serve as liaison between the college and the region it serves.

Financing. Financing of the new state system of community

and technical colleges is through state funds by legislative appropriation.

Connecticut

Prior to 1965 the only provision for public two-year colleges in Connecticut statutes was:

> The board of education of any town may maintain in its town a post-secondary school or schools of college grade, upon approval on referendum by a majority of the electors voting thereon in such town. . .

Such institutions were locally controlled, subject to accreditation standards, and financed through tuition and local taxes.

In 1965 the above act was repealed, and legislation was enacted which provided for a new state system of "regional community colleges" to be controlled and operated by a new state "board of trustees for regional community colleges."28

Concept. Nowhere in the statutes is there a definition of the community college. The only hint that they may be somewhat comprehensive in nature is evidenced in the establishment of an "education extension fund" to which all summer session and extension fees revert, to be used for the operation of extension programs and summer school sessions. Such programs have to be self-supporting from the fund.

State Control and Establishment. The newly created board consists of 12 members appointed by the governor to six-year terms. No restrictions are placed upon the governor as to the makeup of the board or qualifications of its members. General administration of the system of regional community colleges, including planning for the development and expansion of such institutions, is the responsibility of the new board, but such plans must be approved by the state "commission for higher education." The board is specifically empowered to: (1) appoint and remove the chief executive officer of each institution; (2) appoint and remove a state-level executive secretary and executive staff; (3) determine the size of the executive staff and the terms and conditions of employment of the executive secretary and staff; (4) employ faculty or other needed personnel for each institution; (5) within limits of appropriation fix compensation, terms, and conditions of employment and prescribe duties and qualifications of all institutional employees; (6) confer certificates and degrees; and (7) after the approval of the commission

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28 Connecticut General Statutes, Annotated, Title 10, secs. 10-38a through 10-38h.

for higher education, select and acquire sites for new institutions and plan and construct facilities.

Both the duties of the board and the role of the commission for higher education were greatly expanded by a 1967 amendment.

Local Participation. The only vestige of local participation rests with a "regional council representative of the geographical area served." The board of trustees of regional community colleges appoints such council (of unnumbered membership), and in making such appointments the board "shall give due consideration to the recommendations made by boards of education which serve the school districts in such geographical area." Each council so established "may advise the board with respect to appropriate educational programs to meet the needs of the communities in the region which it represents." As stated in the law, this is the sole function of such regional councils.

Financing. As indicated under powers of the board above, the financing of regional community colleges is through legislative appropriation and tuition, which the board is authorized to set.

The preceding provisions are the essence of the legal basis for two-year colleges in Connecticut. They are very brief and stated in general terms. There is no direct reference to the operating concept of the institutions. Since Connecticut has a state system of "technical colleges" and technical-vocational high schools, it is doubtful that the regional community colleges are very comprehensive in program offerings.

Massachusetts

A 1948 statute made the following provisions for two-year colleges in Massachusetts:

> The [state department of education], in its own sole discretion, may at any time and place establish a community college which term shall mean an institution of higher education, or a division thereof, providing a program of general and vocational education designed to serve the educational needs of one or more communities within the general area wherein the same is so established. A community college may be established as a division of any existing state teachers college. Such colleges may have different forms of organization and may provide curricula of varying lengths.[29]

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[29] Massachusetts General Laws, Annotated, Chap. 73, sec. 9 and Chap. 15, secs. 27 through 39.

Concept. The concept of the regional community colleges is that they

> . . . shall provide educational programs, the curricula of which shall be substantially equivalent to the first two years of college, including post-high school vocational education; provide two-year transfer educational programs qualifying students for admission to the junior year at other colleges and such liberal arts and science instruction as may be appropriate within the terminal programs.

State Control. Control of the two-year colleges is vested in a 15-member "board of regional community colleges" consisting of

> . . . the commissioner of education, the president of the University of Massachusetts, a president of a state college elected annually by the presidents of the state colleges . . . a president of a Massachusetts technical institute elected by the presidents of such technical institutes, and eleven members appointed by the governor with the advice and consent of the council [a constitutional body which advises the governor], at least one of whom shall be the president of a private college, university, or junior college in the commonwealth and at least two of whom shall be women. . . .

Each appointed member of this board serves a six-year term, and the governor designates the chairman.

The powers and duties of the board include: (1) the determination of need for two-year college education in the state; (2) the development and execution of an overall plan to meet the need; (3) the establishment of regional community colleges in accordance with the plan; (4) the fixing of tuition rates; (5) the power to construct, lease or otherwise provide facilities; and (6) authority to enter into agreements with local school committees for use of local school facilities. The board is also empowered to grant associate in arts and associate in science degrees and to adopt, amend, or repeal such regulations as it may deem necessary for the management, control, and administration of the system. The board is subject only to the general authority of the board of higher education to the extent that "any such exercise might be inconsistent with determination of . . . [the board of higher education in] delineating functions and programs for institutions and segments of institutions of public higher education." For each institution the state board also "elects" a president and such other officers and members of the professional staff as it may determine to be necessary; it fixes their classification, title, and salary within minimum and maximum salary ranges previously established. The board has complete authority over the above personnel with respect to terms, conditions and periods of employment, compensation, promotion, reclassification, transfer, demotion, and dismissal.

Local Participation. Each local institution has an "advisory board" consisting of ten members appointed to five-year terms by the governor. These boards have no statutorily specificied duties; it is assumed that whatever duties they may have are delegated by the state board.

Financing. A budget for the entire system is prepared by the regional community college board and submitted to the governor. Operating funds are in the form of an annual appropriation by the general court (state legislature) and are disbursed through the "appropriate state officials." Capital outlay funds are not specifically mentioned, but it is assumed that such monies are handled in the same manner as operating funds. Since the state board is authorized to establish fees and tuition, it is further assumed that some operating funds come from this source. Each local institution is prohibited from operating summer sessions and evening classes except as such sessions are "operated at no expense to the commonwealth."

Minnesota

Before 1963 two-year colleges in Minnesota were operated by local school boards under general enabling legislation which provided that:

> The school board of any independent or special school district may make application to the state board of education to establish and maintain a department of junior college work, to consist of not more than two years' work beyond the twelfth year of the public school curriculum. . . [30]

Such institutions were locally financed, and the state board of education had the same control over such institutions as it did other segments of the public school system.

The Minnesota legislature, in 1963, enacted a law providing for a state system of "junior colleges," and created a new "state junior college board" to operate the system.

Concept. The new law establishes the concept of such institutions by specifying that the new board is responsible for prescribing the courses of study in the state system "including undergraduate academic programs, training in semi-professional and technical fields, and adult education. . . ."

State Control. The state junior college board consists of five members appointed by the governor with the advice and consent of the senate. Their only qualifications are that they "shall be

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[30] Minnesota Statutes, Annotated, Chap. 130, sec. 130.01 and Chap. 136, secs. 136.61 through 136.64.

selected for their knowledge, and interest in junior colleges of Minnesota." Each member is appointed to a seven-year term. The board is empowered to: (1) manage and control all institutions established under the act; (2) determine sites and locations for new institutions; (3) lease existing locally controlled junior colleges and operate them as a part of the system; (4) appoint the chief administrators and all other employees of such institutions and fix their compensation; (5) appoint a local advisory committee; and (6) establish conditions of admission, fees and tuition, requirements for graduation, and such other rules and regulations necessary for the operation of the institutions in the system. One restriction on tuition rates is that such fees and tuition shall not be less than those charged students of state colleges. As of the effective date of the 1963 law, all two-year colleges subsequently established are subject to the provisions of the act and the control of the state board.

Local Participation. The only element of local participation in the operation of the state system of two-year colleges is through the local advisory board mentioned above. Each such board is appointed by the new state board and its number of members, terms and duties are fixed by the state board.

There are no specific statutory provisions for financing the system of junior colleges, but under such system it is logical to assume, in the absence of specific provisions, that all funds for operation and capital outlay are appropriated by the state legislature.

Virginia

Until 1965 two-year colleges and technical institutes in Virginia were established individually by separate legislative acts and placed under the control of the governing boards of state-supported four-year colleges or universities. Such institutions were not comprehensive, and their offerings were generally limited to the courses offered in the first two years of the curriculum at the parent institution. Exceptions were made for technical institutes; in these institutions control of course offerings was shared with the state board of education.[31]

Virginia's first legislative efforts for a statewide system of comprehensive two-year colleges came in 1965. At that time legislation was enacted providing for a new "State Board for Community Colleges" and a "Department of Community Colleges" under the control of that board. The act also provided that all two-year college branches be placed under the control of the new state board.[32]

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[31] See, for example, Code of Virginia, Title 23, Chap. 9, Art. 5 and 6 for two-year institutions operated by the University of Virginia or Title, 23, Chap. 11, Art. 2.2, 2.3. and 2.4 for such institutions operated by Virginia Polytechnic Institute.

[32] Code of Virginia, Title 23, Chap. 16, secs. 23-214 through 23-224.

Concept. The concept of such institutions operating under the new board was that of a "comprehensive community college," which was defined as

> . . . an institution of higher education which offers instruction in one or more of the following fields:
> 1. Freshman and sophomore courses in arts and sciences acceptable for transfer in baccalaureate degree programs;
> 2. Diversified technical curricula including programs leading to associate degree;
> 3. Vocational and technical education leading directly to employment; and
> 4. Courses in general and continuing education for adults in the above fields.

State Control and Establishment. State control is vested in the above mentioned state board for community colleges, which consists of 15 members appointed to four-year terms by the governor subject to confirmation by the general assembly. Persons prohibited from serving on this board include officers, employees or members of governing boards of public institutions of higher education or of any school subject to control of the new board, members of the general assembly, and members of the state board of education.

The new board is authorized to: (1) administer a plan providing standards and policies for the establishment, development, and administration of comprehensive community colleges; (2) determine the need for comprehensive community colleges; and (3) develop a statewide plan for their location and a time schedule for their establishment. The board is further authorized to control and expend funds appropriated by law; fix tuition, fees, and charges; issue diplomas, certificates, and associate degrees; and, with the approval of the governor, accept gifts, grants, and federal funds.

To administer the system, a department of community colleges was created, the director of which is responsible to the state board for the operation of the system.

Local Participation. Local participation in the affairs of an institution is limited to an advisory board. The state board is required to establish policies providing for the creation of a local community college advisory board for each institution. It is the function of these boards to "assist in ascertaining educational needs, enlisting community involvement and support, and . . . perform such other duties as may be prescribed by the State Board.

Financing. The statutes contain no reference to financing except, as noted earlier, that the board has the authority to "control and expend funds appropriated by law. . ." Implicit therein, it would seem, is the intent that all funds for operation and capital

outlay not derived from tuition are to be appropriated by the state legislature.

Two-Year Colleges under a State Board of Education--with Local Boards of Trustees

Nine states were found to have statutory provisions for two-year colleges which place such institutions under the control of a state board of education in every case responsible for the operation of the public school system and in some states responsible for certain segments of higher education. All states which have been included in this category share the control of two-year colleges between the state board of education and a local board of trustees which is separate and apart from the public school system. The nine states in this category are Idaho, Iowa, Michigan, Missouri, Montana, North Carolina, Oregon, Pennsylvania, and Texas.

Idaho

Concept. Two-year colleges in Idaho are defined as "intermediate institutions of higher education above grade twelve." The concept of such an institution is that it "shall give instruction in academic subjects and in non-academic subjects as shall be authorized by its board of trustees."[33] Until 1963 these institutions were operated by local school boards as a part of the public school system.

State Control. In 1963, to provide for the orderly growth and establishment of "junior colleges," the state legislature created six junior college areas encompassing the entire state and decreed that the state board of education should approve the existence of only one centrally located district in any area until the enrollment of the institution in such district exceeded 1,000 full-time day students from within the area. This power of the state board, along with its authority to verify that other requirements of establishment are met, defines the extent of state control.

Local Control. Institutional control is vested in a five-member board of trustees elected to six-year terms. Such boards are public corporations with ensuing powers and are specifically authorized to: (1) adopt rules and regulations for the government of the institution; (2) issue revenue bonds; (3) elect a president and, upon his recommendation, appoint all other personnel, fix their salaries, and prescribe their duties; (4) fix standards for admission and graduation, prescribe textbooks, and fix tuition between the

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[33] Idaho Code, Title 33, Chap. 21, secs. 33-2101 and 33-2102, 33-2106 through 33-2116 and 33-2140.

statutory limits of $50 and $100 per year ($250 for out-of-district students); and (5) levy taxes for the support of the institution.

Establishment. Criteria for establishment of a junior college district are as follows. It shall: include at least part of the areas of four or more school districts and one or more counties; have a high school enrollment of 2,000 students in grades nine through twelve; and have an assessed property valuation of not less than $20,000,000.

Financing. Idaho junior colleges are financed through tuition, local funds, and liquor taxes. For students residing in districts having no junior college, up to 50 per cent of revenues from liquor may be used to pay tuition of the district's students to attend junior colleges outside the district, and boards of trustees of such junior colleges are authorized to initiate court action to recover such funds. Up to 50 per cent of liquor funds from within the district are also to be used for college operation. Boards of trustees are also authorized to levy property taxes of up to 30 mills in the event that the liquor fund is insufficient to pay the portion of expenses not covered by tuition. In 1967 the legislature created a state junior college fund and appropriated $1,500,000 for the period July 1, 1967, to June 30, 1969. Monies from this fund are to be allocated by the state board of education to each "qualifying institution" in the ratio that its "average full-time student enrollment" bears to the average of all qualifying districts.

Iowa

Until 1965 Iowa statutes contained general enabling legislation, dating back to 1941, which authorized the state board of education, upon the approval of the state superintendent of public instruction and an affirmative vote of the qualified electors of a district, to establish and maintain in the district a "public community or junior college" offering courses of study covering "one or two years of work in advance of that offered by an accredited four-year high school."[34] The above sentence represents the essence of the entire provision.

Legislation enacted in 1965 provides for the creation of a statewide system of "area vocational schools and community colleges."

Concept. In establishing the concept of the state system, the legislature decreed that it would thereafter be the policy of the state of Iowa and the purpose of the legislation to provide for the establishment of not more than 17 areas to include all areas of the

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[34] Iowa Code, Annotated, Title XII, Chap. 280, sec. 280.18 and Chap. 280A, secs. 280A.1 through 280A.25.

state for the purpose of operating either area vocational schools or area community colleges. The legislation requires that such institutions "to the greatest extent possible" offer programs providing: (1) the first two years of college work; (2) vocational and technical training; (3) in-service training and retraining of workers; (4) high school completion for students of high school and post-high school age; (5) community services; and (6) vocational education for persons having academic, socioeconomic, or other handicaps and for persons not enrolled in high schools who have not completed high school.

State Control. State-level control of the area institutions is vested in the state board of education, which is empowered to: (1) administer and allocate state and federal funds available to pay portions of operating costs, costs for acquiring sites, and costs of constructing or reconstructing facilities, and establish priorities for use of such funds; (2) approve sites; (3) adopt administrative rules and regulations deemed necessary to carry out the provisions of the law; and (4) enter into contracts with public and private schools for offering courses of study as necessary.

Local Control. Local control is vested in a "board of directors" consisting of one member from each director district in the area; such members are elected by the voters of the respective district to terms of three years. The board of directors is empowerd to: (1) determine curricula to be offered in the area schools, subject to approval of the state board; (2) determine tuition rates (which shall not exceed the lowest tuition rate per semester charged by a state institution of higher education); (3) enter into contracts and take action necessary to ensure a sufficient curriculum and efficient operation of the schools under its jurisdiction; and (4) establish policies and make rules, not inconsistent with law and administrative rules, regulations, and policies of the state board, for its own government and that of the administrative, teaching, and other personnel and the students enrolled therein.

Establishment. Boards of education of two or more counties, or parts thereof, having an enrollment of 4,000 students in public and private schools in grades nine through twelve are authorized to submit to the state board of education a plan to merge and become an "area." Plans submitted must include: (1) geographic descriptions; (2) total population, population trends, and population density; (3) total school enrollment; (4) descriptions of educational offerings; (5) identification of needs for programs within the area; (6) an evaluation of financial ability; (7) estimated enrollment; (8) curricula to be offered; and (9) proposed locations of area schools. Approval or disapproval of such plan is at the discretion of the state board.

Financing. Area boards of directors must prepare an annual budget designating sources of income and expenditures which must be

approved by the state board. The board of directors is authorized to levy property taxes prorated throughout the districts up to 3/4 of a mill to pay operating expenses; if this levy is insufficient, it becomes the responsibility of the state to provide the difference. Additional fund sources are federal funds, tuition from persons residing outside the district or from persons over 21 years of age who are high school graduates residing in the area, state aid (not specified), gifts and donations, and state funds for sites and facilities (again not specified). Capital outlay funds for sites, buildings, and equipment may be acquired through a bond issue paid by an additional local tax levy of 3/4 of a mill, but such an issuance is subject to an affirmative vote of 60 per cent of the qualified electors of the area who vote in the election.

Michigan

As noted in the preceding chapter, the Michigan Constitution, adopted in 1963, made specific provisions for two-year colleges and placed certain restrictions upon their establishment and operation. The legislature was ordered to provide for establishment and financial support of such institutions which were to be supervised and controlled by locally elected boards. A further provision was that the legislature establish a state board for "public community and junior colleges," but the function of the board was to advise the state board of education. The following analysis is made with these constitutional provisions in mind.

Although constitutional provisions for two-year colleges in Michigan date only to 1963, statutes for such institutions date back to 1917.[35] Statutes in effect prior to 1955 authorized local school boards meeting certain cirteria to operate a "community college department of the district school system."

Also dating back to 1955 in a statute to become effective July 1, 1956, was an authorization of $1,935,000 to be distributed to "junior or community colleges on the basis of their enrollment."

In 1966 a "Community College Act" was passed by the Michigan legislature which completely altered the "extension of the high school" concept noted above in the earlier legislation and removed control of two-year colleges from the local school boards.

Concept. Under the new legislation the concept of the "community college" was redefined:

> A community college means an educational institution providing primarily for all persons above the twelfth grade

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[35] Michigan Compiled Laws, Annotated, Title 15, Chap. 340, sec. 340.791; Chap. 389, secs. 389.11, 389.14, 389.05 and Chap. 390, secs. 390.901 through 390.904.

> age level and primarily for those within commuting distance, collegiate and noncollegiate level education including area vocational-technical education programs which may result in the granting of diplomas and certificates including those known as associate degrees but not including baccalaureate or higher degrees.

The concept, then, evolved from the initial one of "collegiate" offerings to a more comprehensive offering which includes "collegiate and noncollegiate" and "vocational-technical" education.

State Control. There appears to be very little state-level control of the institutions established under the 1966 legislation. The only reference to state control is that "before the election is held, approval of the formation of the proposed community college district and the proposed maximum annual tax rate shall be obtained from the state board of education." This constitutes the entire reference to state control.

Local Control. Local control of a community college district is vested in a board of trustees consisting of six to nine members, depending on the type of district established, elected to six-year terms. The board of trustees has complete control over the community college district to make plans for, promote, acquire, construct, own, develop, maintain and operate a community college and an area vocational-technical education program. Specifically, they have total authority: (1) with respect to building, planning, and site acquisition; (2) to establish the courses and curricula; (3) to borrow money and establish tuition and fees; (4) to appoint a chief administrator who must have at least a bachelor's degree and be eligible for a teaching certificate or have an earned doctorate from an accredited institution; (5) to select and employ all other personnel needed; and (6) to levy taxes as authorized under established laws.

Establishment. There are several provisions for establishing community college districts in Michigan. Specifically, the law recognizes districts formed of one or more contiguous counties, two or more contiguous school districts, or by one or more "intermediate" school districts. Prerequisites to the establishment of any type of district are: (1) approval of the state board of education; (2) approval by a majority of the qualified electors of a proposed district who vote in the election; (3) approval by a majority of the voters voting on the proposed tax rate; and (4) the election of the required board of trustees. All of these conditions must be fully met in order to establish a community college district.

Financing. Institutions established under the 1966 law are financed from tuition--which each board of trustees is authorized to levy as it sees fit--local taxes, and state appropriations. At the time of establishment, a local tax rate on taxable property is voted upon, and within the limits of the laws governing maximum tax rates the board of trustees each year establishes the tax levy needed

for operating expenses. State monies are in the form of an annual appropriation which is distributed on a per pupil basis but is not to exceed $190 for each full-time equivalent student or exceed one-half of the total operating costs per student excluding capital outlay and debt service. Capital outlay funds are a local responsibility; upon authorization of the voters, an additional five-mill levy is authorized for construction, equipment, and site acquisition. Bond issues are authorized to be paid from this additional levy.

As provided in the Michigan Constitution, a "state board for community and junior colleges" consisting of eight members appointed by the state board of education to eight-year terms was created. The function of this board is to "advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support." Since it has no legal authority over two-year colleges, it has not been considered in the legal structure as evolved in this study.

Missouri

Prior to 1961 Missouri statutes provided that "any public school district in this state which has a fully accredited high school may provide for two-year college courses in the schools, on the approval of and subject to the supervision of the state board of education."[36] Each school offering such courses was authorized to charge the tuition necessary to cover the cost of operation.

In 1961 legislation was enacted providing for the creation of "junior college districts" on a local option basis.

Concept. The current legislation makes no attempt to establish the concept or operating philosophy of such institutions; it merely provides that:

> In any public school district, or in any two or more contiguous public school districts in the state, whether in the same county or not, the voters resident therein may organize a junior college district in the manner hereafter provided.

State Control. State-level control of such institutions is vested in the state board of education which is empowered to: (1) establish the role of such institutions; (2) require a survey,

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[36] Vernon's Annotated Missouri Statutes, Title 11, Chap. 178, secs. 178.370, 178.380, 178.770, 178.780, and 178.820 through 178.880.

the results of which must be used in establishing institutions; (3) require that initiative to establish two-year colleges come from the area to be served; (4) administer the state financial support program; (5) establish uniform minimum entrance requirements and uniform curricular offerings for all such institutions; and (6) be responsible for accreditation of each institution under its supervision, standards for which are to give due consideration to curriculum offerings and entrance requirements of the University of Missouri.

Local Control. Local control is vested in a six-member board of trustees elected to six-year terms by the qualified electors of the district. Local board powers include the authority to establish tuition rates, appoint and define the duties of all employees and fix their compensation, and levy property taxes without voter approval (within specified limits).

Establishment. As referred to above under powers of the state board, establishment of junior colleges is subject to local initiation, approval of the state board, and a vote of the qualified electors of the district. The state board is under mandate to determine whether: (1) a junior college is needed in the proposed district; (2) the assessed tax valuation is sufficient to support adequately such an institution; and (3) there was a sufficient number of high school graduates during the preceding school year to support the institution. Neither guidelines nor definitions of standards are given.

Financing. Operating costs are financed from tuition and a local tax levy. There is, under powers of the state board, a reference to the board's administering the state financial support program, but no mention of such support is made in the statutes. There is no mention of funds for capital outlay in any form whatsoever.

Montana

During the period 1939 to 1965, Montana statutes provided that school boards operating accredited high schools could establish and maintain in such schools "a department of junior college work, to consist of not more than two years work beyond the four-year high school course."[37] In 1965 these statutes were repealed, and legislation was enacted providing for the establishment of "community college districts."

Concept. The concept of such districts is as follows:

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[37] Revised Code of Montana, 1947, Title 75, Chap. 44, secs. 75-440 through 75-442 and 75-4413 through 75-4426.

> A community college district organized under this act shall provide instruction, classes, school or schools for student residents within the community college district; and subject to the approval of the state board of education provide instruction, courses and classes for vocational training within the district in the trades and industries and commercial branches, and for adult education. . .

State Control. Much the same as for Missouri, the institutions created under this act are placed under the control of the state board of education which is empowered to: (1) establish the role of such institutions; (2) supervise community college districts; (3) formulate and implement uniform policies for budgeting, record keeping, and student accounting; (4) establish uniform entrance requirements and uniform curricular offerings for all community and junior colleges; (5) make continuing studies of junior and community college education in the state; and (6) be responsible for accreditation of each institution under its supervision.

Local Control. Local control rests with a board of seven elected trustees whose term of office is seven years. Such a board is a body corporate with ensuing powers and is specifically empowered to: (1) appoint all employees of the community college, define and assign their powers and duties, and fix their compensation; (2) build, alter or repair facilities, acquire sites and furnish and equip buildings as necessary; and (3) levy taxes for capital outlay. It also possesses such other powers as are given local school districts.

Establishment. The voters of any area in the state are authorized to form a community college district providing such district has an assessed property valuation of not less than 30 million dollars and an enrollment of not less than 700 students in its public and private high schools. An election is called whenever a petition signed by not less than 90 per cent of the qualified electors residing in the proposed area is presented to the state board of education.

Financing. Operating expenses of Montana community colleges are financed from tuition, local taxes, and participation in the state foundation program and equalization fund which is administered on the same basis for community colleges as for high schools and is based on a per capita allocation. Capital outlay funds are provided from a local tax levy which requires a vote of the qualified electors and which cannot exceed ten mills.

Oregon

Oregon statutory provisions for two-year colleges in present

form were enacted in 1959.[38]

Concept. The Oregon concept is that of a "community college" which is defined as

> . . . a public secondary school established by a school district or by an area education district for the purposes of providing courses of study limited to not more than two years' full-time attendance and designed to meet the needs of a geographical area by providing educational services, including but not limited to vocational and technical educational programs or lower division collegiate programs.

State Control. State-level control of Oregon community colleges is vested in the state board of education. Its specific authority includes the power to: (1) approve or disapprove establishment of a community college; (2) authorize the courses and programs to be offered; (3) with the approval of the state board of higher education and until such a time as the community college is accredited by the regional accrediting agency, approve all courses which will be recognized by state institutions as transferable to such four-year institutions; (4) approve the awarding of degrees and certificates; (5) approve tuition and fee rates; and (6) approve the appointment of any instructors employed by the institutions, except that until an institution is accredited, the board of higher education approves instructors who teach transfer courses.

Local Control. Local control of a community college rests with an "area education district board of education" composed of seven members elected to four-year terms. These members must be residents of the district and qualified voters. The powers of the district board are stated in terms of the powers of a district board of education for the public schools and are equivalent to them unless the statutes creating the community colleges specify otherwise. Specifically, the area board is empowered to: (1) levy taxes on all assessable property in the district; (2) enter into contracts with school districts, counties, or municipalities to offer educational services; (3) contract with private vocational schools to offer specific vocational courses; (4) upon approval of the state board, award degrees and certificates; (5) establish tuition and fees, subject to state board approval; and (6) employ administrators, instructors, and other personnel to staff the district program, some parts of which are subject to approval by the state board as noted above.

Establishment. Community college area education districts are established by the following procedures. A petition signed by ten

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[38] Oregon Revised Statutes, Title 30, Chap. 341, secs. 341.005 through 341.950.

per cent or 500 qualified voters, whichever is less, designating the proposed boundaries, requesting that the area be organized, specifying or reserving the right to specify location of the proposed college or requesting the state board to do so, and proposing that the area board be elected at large or from districts is presented to the state board of education. The board must examine the petition and the proposed area in terms of: (1) whether the educational needs of the area are currently being met by an existing community college or private school; (2) enrollment of the geographic area which must be at least 1,500 students in grades nine through twelve; and (3) the adequacy of financial resources. If all these conditions are met, the state board is required to hold a public hearing at which time interested parties may be heard and boundaries of the proposed district modified by the state board at its discretion. As a result of evidence gathered at the hearing the board may approve or disapprove the petition. A vote on the question is only required if the petition includes a request for a vote. If the petition is approved, the area proceeds to elect a board of control for the district.

Financing. Operating expenses for community colleges are paid from tuition, local tax levy on real and personal property, and state contributions. State aid is distributed on the basis of $575 each for the first 400 full-time equivalent students, $475 for each of the next 300 full-time equivalent students, and $433 for each full-time equivalent student in excess of 700.

Capital outlay funds are derived from a local tax levy and state aid. State aid is appropriated on the basis of the number of projected full-time equivalent students multiplied by $1,560, except that if cost of construction is less than $2,400 for each estimated full-time student, such aid is limited to 65 per cent of actual costs. All such proposed construction and any long-range plans must have prior approval of the state board of education which allocates state funds and establishes priorities.

Pennsylvania

Pennsylvania's first legislative efforts in the field of public two-year colleges came with the enactment of the "Community College Act of 1963," Although several two-year branch campuses of state universities were in operation prior to that time.[39]

Concept. An institution established under the 1963 act is defined as

> . . . a public college or technical institute which is

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[39] Purdon's Pennsylvania Statutes, Annotated, Title 24, Chap. 19, secs. 5203 through 5205, 5209, and 5214.

established and operated in accordance with the provisions of this act by a local sponsor [a school district, municipality, or county board of school directors] which provides a two-year, post-secondary, college parallel, terminal-general, terminal-technical, out-of-school youth or adult education program or any combination of these. . .

State Control. State control is vested in the state board of education whose powers are very broad in respect to the establishment and operation of such institutions. Specifically, the board has the following powers:

> To adopt such policies, standards, rules and regulations formulated by the Council of Higher Education, as may be necessary to provide for the establishment, operation and maintenance of community colleges, including minimum requirements for physical facilities and equipment, curriculum, faculty, standards and professional requirements, qualifications for admission and advancement of students, student enrollment, student population of the area to be served by the community college, requirements for satisfactory completion of two-year programs and the degrees or diplomas or certificates to be awarded therefor, means of financing and financial resources for the establishment and support of the community college and all matters necessary to effectuate the purposes of this act.

Local Control. Local control is vested in a board of trustees which is "elected" by a majority of the members of the governing body or bodies of the local sponsor. Membership can range from no less than seven to no more than 15 members "elected" to six-year terms. Powers of the board of trustees are subject to the laws of the establishment act and the rules and regulations of the state board of education. Specific powers and duties of such trustees are to: (1) appoint and fix the salary of a president; (2) rent, lease, purchase, own, and improve lands, buildings, and equipment; (3) make policies providing for the admission and expulsion of students, for tuition and fees to be charged, and for all matters relating to the government and administration of the college; and (4) submit to the state board proposed amendments to the college plan.

Establishment. To establish a community college a local sponsor or sponsors (as previously described) must submit a plan to the state board of education containing such information as the board may require. If such plan has two or more sponsors it must include provisions for financing and for allocating financial responsibility among them and must have been previously approved by all sponsoring agencies. If the plan is approved by the state board, trustees are elected and operation is begun.

Financing. Each plan for the establishment of a community

college must set forth a financial program for the operation of the college. Such plan must provide for at least two-thirds of the annual anticipated operating costs and up to one-half of the annual capital expenses. It must include the sources of such funds, which may be derived from general revenues, loan funds, special tax levies, or from other sources including student tuition. Such tuition, however, must not represent more than one-third of annual operating costs. The state pays an amount equal to one-third of the annual operating costs not to exceed one thousand dollars for each full-time equivalent student. Capital outlay expenses are shared to some extent by the state because of the community college's participation in the state's "Public School Building Authority Act," but the amount derived is not recorded. Local sponsors are responsible for all capital outlay funds not derived from the above act, but it appears from the requirements of the plan that the state provides one-half or more of capital outlay funds.

North Carolina

The first statutory provision for two-year colleges in North Carolina was enacted in 1957.[40] At that time four locally operated two-year colleges were brought under the authority of the board of higher education and provisions were made for limited state support on a per capita basis for academic programs only. From 1957 to 1963 two additional two-year colleges were established under the authority of this legislation.

In 1963 the North Carolina legislature provided for the creation of a statewide system of "community colleges, technical institutes, and industrial education centers," at which time three of the institutions authorized under the 1957 legislation were assimilated into the new system as were 20 previously established "industrial education centers." The other three two-year colleges became four-year colleges. (Segner, 1965)

Concept. The concept of the new "community college" is that of an educational institution

> . . . dedicated primarily to the educational needs of the particular area for which established, and
> a. which offers the freshman and sophomore courses of a college or arts and sciences,
> b. which may offer organized curricula for the training of technicians,
> c. which may offer vocational, trade, and technical specialty

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[40] General Statutes of North Carolina, Chap. 115A, secs. 115A-4 through 115A-20.

courses and programs, and
d. which may offer courses in general adult education.

The technical institute is precluded from offering a above and required to offer b; the industrial education center is precluded from offering a and b above and required to offer c.

State Control. State-level control of these institutions is vested in the state board of education, which is empowered to: (1) adopt and execute such policies, regulations, and standards for the establishment and operation of institutions as it deems necessary to ensure the quality of educational programs, promote systematic meeting of educational needs of the state, and provide for the equitable distribution of state and federal funds; (2) establish standards and adopt salary scales for all employees paid from funds administered by the board; (3) for each institution, approve sites, buildings, building plans, budgets, and selection of a chief administrative officer; (4) establish and administer standards for professional personnel, curricula, admissions, and graduation; and (5) establish and regulate student tuition and fees and financial accounting procedures. The state board of education is also authorized to establish a state-level department under its jurisdiction to provide statewide administration for the system.

Local Control. Local control of each community college or technical institute is vested in a 12-member board of trustees appointed to eight-year terms. Four of the trustees are appointed by the local school board in the school district in which an institution is established (or jointly by school boards located in the administrative area of the college if more than one school board is encompassed), four are appointed by the board or boards of commissioners of the county or counties constituting the administrative area, and four are appointed by the governor.

Each board of trustees is a body corporate with ensuing powers and is specifically empowered, subject to approval by or in conformity with standards established by the state board of education, to: (1) elect a president and, upon nomination by the president, employ all other institution personnel; (2) purchase and own property; (3) provide all or parts of the instructional services for the institution by contracting with other public or private educational institutions of the state; (4) apply all standards and requirements for entrance and graduation of students; and (5) perform such other acts as may be necessary to exercise the specified powers, including the adoption and enforcement of all reasonable rules and regulations necessary for the government and operation of the institution and discipline of the students.

Establishment. Provisions in the law allow for the development of 20 previously existing industrial education centers into community colleges or technical institutes, and the state board of education is authorized to establish any regulations and standards not inconsistent

with the law for the establishment of new institutions or for evolution from one type of institution to another. The state board is prohibited from approving the establishment of any institution

> . . . until it has been demonstrated to the satisfaction of the Board that a genuine educational need exists within a proposed administrative area, that existing public and private post-high school institutions in the area will not meet the need, that adequate local financial support for the institution will be provided, that public schools in the area will not be affected adversely by the local financial support required for the institution, and that funds sufficient to provide State financial support of the institution are available.

There is no requirement per se that the voters in the area of a proposed site vote on the establishment of an institution, but there is a provision to the effect that before local financial support can be appropriated, approval must be voted by a majority of the qualified electors voting on the question. Since local financial support is mandatory, this requirement is tantamount to requiring a vote of the qualified electors on the question of establishment.

Financing. The financing of institutions in the system is a joint effort utilizing state and local funds. Tuition is charged, but monies derived from tuition are deposited to the general fund of the state. For operating expenses, the state pays all the costs of general expenses including salaries of administrative staff and faculty, matching benefits, travel, auxiliary services, operation of libraries, replacement of books, and other approved services. Local funds pay for the operation and maintenance of the physical facilities including supplies, maintenance, motor vehicles, utilities, and wages of janitors and other personnel required for plant operation. Capital outlay funds for site acquisition, construction, the purchase of motor vehicles, and the purchase of equipment for plant operation and maintenance are a local responsiblility. The state pays for all equipment for administrative and instructional purposes including library books and equipment. State funds for these purposes are limited to an aggregate of $500,000. There are also provisions for the state, on a matching basis, to provide for up to $500,000 for site acquisition and construction, but funds for this purpose have to be specially appropriated by the legislature. A vote of the qualified electors of an administrative area is required before local funds, which may be derived from either a tax levy or non-tax revenue, can be expended.

Texas

Provisions for two-year colleges in Texas date to 1929 and

are among the oldest in the nation.[41] An analysis of Texas for two-year colleges proved extremely difficult in that there was recognition of so many different types of "junior college districts" based on such factors as average attendance in high schools, union districts, several different population ranges for counties, and special laws. Statutes providing for the creation of "junior colleges" continue for some 98 pages.

Concept. The concept of the two-year college is stated as follows:

> A Junior College as here considered must consist of the Freshman and Sophomore College work taught either separately or in conjunction with the Junior and Senior years of the High School, and the course of study must be submitted and approved by the State Department of Education before it may be offered.

State Control. State-level control of junior colleges is the responsibility of the "Central Education Agency" of which the state board of education is a part. The state board of education is responsible for adopting policies, enacting regulations, and establishing general rules necessary for the operation of junior colleges. The state commissioner of education is responsible for carrying out policy and enforcing rules and regulations through a "Public Junior College Division" within the state department of education. With the advice of the commissioner of education, the state board is authorized to create and dissolve junior college districts, adopt standards, prescribe rules, require reports, and establish advisory commissions to advise on the operation of junior colleges.

Local Control. Local control of Texas junior colleges is vested in a board of trustees, a board of regents, or, in some instances, a local school board, depending primarily upon size and type of establishment. A union junior college formed by the merger of two or more school districts, a county junior college, or a joint county junior college formed by two or more contiguous counties is governed by an elected board of trustees consisting of seven to 15 members. Such board of trustees

> . . . shall adopt such rules, regulations and by-laws as they may deem proper, and they shall have exclusive power to manage and govern said Junior College, and as such they shall constitute a body corporate. . .

In cities with a population of 380,000 or more, there is authorized a board of regents which shall be responsible for all junior colleges, four-year colleges, and universities operating at public expense in the city.

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[41] Vernon's Civil Statutes of the State of Texas, Annotated, Title 49, Chap. 13, Art. 2815h, secs. 1 through 4, 7, 12, 13, and 20; Art. 2815k, sec. 1, and Art. 2815k-2.

Establishment. Generally, the provisions for the establishment of a junior college are as follows. When various types of districts having an assessed property valuation of 12 to 20 million dollars propose to establish a junior college, they must present to the state board a petition signed by not less than five per cent of the "qualified tax-paying voters" of the proposed district. If the state board of education and the superintendent of public instruction are satisfied that all qualifications are met, an election is called in which the qualified electors either accept or reject the petition.

Financing. Junior colleges in Texas are financed from local tax levies and tuition; there is apparently no state support. A certain percentage of the taxes collected in the district can be set aside for college operation without a requirement of a vote. The board of trustees is authorized to fix and collect fees for tuition and matriculation. Boards may also issue bonds for construction, equipment and site acquisition and may provide for a sinking fund by levying taxes, all subject to a vote of the qualified electors.

Two-Year Colleges Under a State Board of Education--No Local Control

Only one state, Alabama, has current statutes authorizing a state board of education which is responsible for the operation of the public school system to operate, without local control, a system of two-year colleges. The legal structure of this system was deemed sufficiently different from that of the other states to justify a separate categorization.

Alabama

Alabama's first legislative efforts concerning two-year colleges came in 1961.[42] At that time the Alabama legislature established under two separate but almost identical acts two junior colleges, each of which was provided with an autonomous board of trustees. Each of the two institutions was financed from funds appropriated from the county and municipal governments in the junior college district and any public school funds that might be available to the county boards of education in the district.

Legislation was enacted in 1963 which provided for the establishment of a statewide system of "trade schools" and "junior colleges."

Concept. The statutes do not differentiate between "trade schools" and "junior colleges" except to define a trade school as "an

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[42] Code of Alabama, Title 52, secs. 509(42) through 509(96).

educational institution offering instruction primarily in useful trades, occupations or vocational skills" and a junior college as "an educational institution offering education in the arts and sciences on the level of difficulty of the first two years above high school level." It is inferred that the definitions are mutually exclusive and that, therefore, the junior colleges are not comprehensive institutions.

Establishment. To expedite the creation of new institutions within the system, a public corporation consisting of the governor, the director of finance, and the state superintendent of education was formed. In addition to the ordinary corporate powers, this corporation is specifically empowered to

> . . . provide for acquiring sites for additional trade schools and junior colleges, constructing, acquiring, reconstructing, improving sites for additional trade schools and junior colleges, constructing, acquiring, reconstructing, improving and altering buildings therefor and purchasing, acquiring and installing the original equipment thereof, and to make capital improvements to existing trade schools and at institutions of higher learning heretofore or hereafter established.

The authority is also empowered to issue bonds in anticipation of receipt of revenues to be appropriated. The authority is limited by statute to a maximum outlay of $1,500,000 of state funds on any trade school or junior college. Initially, bond issues were limited to an aggregate of 15 million dollars, but a 1964 amendment increased the amount to 30 million dollars.

Responsibility for locating any trade school or junior college constructed under the above authority is vested in the state board of education. Criteria to be considered by the board in determining the location of an institution are general in nature but require that the board "consider"

> . . . the needs of industry for particular skills in the area under consideration, the convenience and accessibility of the location to labor markets and to potential students or applicants for training, an estimate of the number of potential students or applicants in the area, and such other factors as might demonstrate the existence of a need for a trade school or junior college in such area.

State Control. Following the completion of buildings and the installation of original equipment in institutions constructed by the authority, the state board of education is charged with the responsibility for operation and maintenance of such institutions. The statutes give the state board the authority and responsibility for the

operation, management, control, supervision, maintenance, upkeep, improvement, equipment, and enlargement of and additions to existing institutions. The state board of education, upon recommendation of the state superintendent of education, is empowered to: (1) make rules and regulations for the government of such educational institutions; (2) prescribe the courses of study to be offered and the conditions for granting certificates or diplomas; (3) appoint the president of each institution and, upon the president's recommendation, appoint the members of the faculty and affix the tenure and salary of each; and (4) direct and supervise the expenditure of legislative appropriations for the use of such additional educational institutions.

Local Participation. The legislation makes no provision for local participation.

Financing. Funds for both operating and capital outlay expenses of institutions are appropriated by the state legislature. The allocation of capital outlay funds was described under Establishment above; the state board of education controls the allocation of operating expenses.

Two-Year Colleges Operated as a Part of the Public School System

Seven states have statutory provisions which authorize two-year colleges to be operated at the local level under the control of a local school board and as a part of the public school system. These states are California, Florida, Kansas, Louisiana, Maryland, Nebraska, and North Dakota.

California

California, as previously stated, has two-year college legislation dating back to 1917 and was the first state in the nation to make such provisions.[43] The current statutory provisions for two-year colleges date back to 1963, at which time the education laws concerning two-year colleges were rewritten and renumbered.

Concept. The concept of the legal structure apparently has not changed since the initial legislation, although many amendments have been enacted. The term "two-year college" as applied to such institutions in California, can in certain cases actually be a misnomer. California law recognizes "two-year junior colleges" offering the 13th and 14th years of schooling and "four-year junior colleges" offering the 11th, 12th, 13th, and 14th years. In concept, the statutes specify that:

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[43] West's Annotated California Code, Div. 18.5, Chap. 3, secs. 25410 through 25437.5, 25502.3, and 25540 through 25546.13.

> The course of study for two-year junior colleges shall be designed to fit the needs of pupils of the 13th and 14th grades and may include courses of instruction designed to prepare for admission to the upper division of higher institutions of learning and such other courses of instruction designed to prepare persons for agricultural, commercial, homemaking, industrial and other vocations, and such courses of instruction as may be deemed necessary to provide for the civic and liberal education of the citizens of the community.

State Control. Nominal state control of California junior colleges is vested in the state board of education and the superintendent of public instruction. Nowhere in the revised statutes of 1963 is there a specific section devoted to the powers of the state board. In several sections, however, reverences are made to the necessity for approval by the state board of education or the superintendent of public instruction before certain actions can be taken. For example, the state board establishes "credential" qualifications for faculty members, approves or disapproves petitions for the formation of a junior college district, and establishes minimum standards for same. The superintendent of public instruction may approve programs of study based on rules and regulations prescribed by the state department of education.

Local Control. Each junior college is controlled locally by a "junior college board." If the boundaries of the junior college district are coterminous with those of a high school district or a unified school district, the governing board of the high school or unified district also serves as the junior college board. For this reason and the reason of concept stated above, California was included in the category of states operating two-year colleges as a part of the public school system, when there are actually two types of local control. If the junior college district is divided into two or more high school or unified districts, then the district is governed by a five-to-seven-member school board which is elected in the same manner and at the same time as school board members. Terms are staggered and are for four years. The powers and duties of the governing board are the same as those of the high school boards. Specifically, they may employ a principal (chief administrator) and faculty members subject to credential requirements of the state board, accept gifts and donations, require that students pay fees not to exceed ten dollars a year for health services and parking, charge tuition to out-of-district students, acquire property, erect buildings, and issue revenue bonds for construction and operation.

Establishment. The state board of education is authorized to promulgate minimum standards for establishment of junior college districts. Procedural requirements are stipulated in the statutes:

(1) the governing board of one or more high school or junior college districts may petition the state board to call an election on the question of establishment; (2) the superintendent of education is then required to conduct a study of need and report the findings to the state board which then either approves or disapproves the petition; and (3) if approved, the question is submitted to the qualified electors of the proposed district. Although the state board establishes standards, statutes specify that if certain conditions are met the board must approve the petition. Such conditions are a population of 4,000,000 or more, a projected fourth year enrollment of at least 1,000 students, isolated area, 300,000 square miles of area, or location 15 miles from a population center.

Financing. For students residing within the district, junior colleges are operated tuition-free. Operating expenses are derived from a local tax levy and from a state "junior college tuition" fund. The law provides that, within limitations, tax levies are automatically adjusted to provide the needed local revenues. The statutes do not specify the amount of the state contribution to cost of operation of a junior college. Each local board is authorized to issue bonds for capital outlay purposes and provide for the payment of such bonds through tax revenues. Since 1963 the state has also provided funds to assist in the construction of junior college facilities. These funds are allocated by a complicated formula based on average assessed valuation per attendance unit and the number of full-time equivalent students.

Florida

Florida first made statutory provisions for a statewide system of two-year colleges in 1957.[44] Prior to that time Florida had enabling legislation, enacted in 1939 and repealed by the 1957 act, which allowed county boards of education to operate "junior colleges" at their own expense.

Concept. Florida considers such institutions to be a part of the public school system; the concept of these institutions is most nearly expressed in the following statement:

> Junior colleges, and technical or vocational schools and schools offering ungraded work for persons regardless of age, when organized in accordance with the provisions of law, shall be supported and maintained as a part of the county school system from funds derived from state, county, district,

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[44] Florida Statutes, Annotated, Title 15, Chap. 228, sec. 228.16(4) and Chap. 230, secs. 230.0101 through 230.0110.

federal or other lawful sources or combination of sources; Provided, that tuition or matriculation fees may be charged only if and as authorized by regulations of the state board.

State Control. State control of Florida junior colleges is vested in the state board of education which is assisted by a "state junior college board" created in 1965. No junior college may be established, acquired, or operated until the proposed plan of operation and financial support has been approved by the state board; the plan must contain provisions for serving all eligible students in the attendance area, and in addition, specific legislative authorization must be secured. Institutions so established are prohibited from offering courses beyond the sophomore year of college work. The new junior college board is responsible for establishing statewide policy regarding the operation of the public junior colleges and for effecting articulation and coordination of junior colleges with other institutions. It also recommends to the state board the establishment of new junior colleges and reviews all requests for capital outlay from state appropriations. All actions of the junior college board are in effect advisory, since final decisions rest with the state board. In general, the state board of education has the same powers and duties with regard to the junior colleges as it does with the elementary and secondary school system of the state. The state board establishes certification requirements and certifies faculty in the junior colleges just as it does the other public schools.

Local Control. At the local level, Florida junior colleges

> . . . shall compromise a part of the county school system, shall be subject to the general laws of the state insofar as such laws are applicable, shall be under the control of the county board [of education] of the county in which it is located and shall be directed by a president who shall be responsible through the county superintendent to the county board of the county in which the junior college is located. A junior college may be separately organized and operated or may be organized and operated in connection with a secondary school.

Establishment. Junior colleges are established in the following manner. A county board of education or the county boards of two or more contiguous counties submit a plan to the state board of education which includes procedures for financing and operating such institutions. If the state board approves, specific legislative authorization is required before the plan can be put into effect.

Financing. The financing of junior colleges is approximately the same as that of the elementary and secondary schools. As elaborated upon in the preceding chapter, Florida recently amended its Constitution to provide revenues over a 50-year period for the financing of capital outlay for its junior colleges. Each public junior college participates in a minimum foundation plan which is

very complicated, but essentially the plan allocates state funds to counties for public school and junior college operation in inverse proportion to the county's ability to support such institutions from local funds. The plan includes certain per capita funds for each instructor by classification, for administrative personnel, for transportation and for each student enrolled. Capital outlay and debt service are also calculated from this plan. County financial participation is based upon its ability to pay as determined by

> . . . an index of relative tax paying ability prescribed by law multiplied by five per cent of ninety-five per cent of the calculated yield of six mills of taxes levied on the nonexempt assessed valuation of the state. . .

Kansas

Prior to 1959 the two-year college in Kansas was considered a "high school extension," and statutory provisions for such institutions date to 1917.[45]

Concept. The concept of such institutions is expressed in the following statement:

> The board of education of any city of the first or second class and the board of trustees of any community high school may provide for an extension of the high school course of study by establishing for high school graduates a two-year course in advance of the course prescribed for accredited high schools by the state board of education.

In 1961 this concept was expanded to include vocational education for persons over 16 years of age.

State Control. State control of such institutions is vested in the state board of education and the state superintendent of education:

> The state superintendent, under plans and methods approved by the state board, shall prescribe the course of study for the high school extension. . . which shall be approximately equivalent to the course of study in the first and second years of accredited colleges. . .

Local Control. Until 1959 control of the "high school extension" was vested in a district or city board of education. In 1959 legislation was enacted which provided that any county then containing

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[45] Kansas Statutes, Annotated, Chap. 72, secs. 72-3301 through 72-3355.

a rural high school district maintaining a "high school extension course" thereby constituted a junior college district. The legislation provides that each county district is to be governed, maintained and operated by a "board of regents" consisting of six members, three of whom are to be members of the school board of the rural high school district and appointed by that board. The three additional members are to be elected from the county but from outside the district maintaining the "high school extension." The board of regents is a body corporate with ensuing powers and the authority to operate the two-year college, but, as enumerated above under State Control, the powers of the state superintendent over curriculum, instruction, and facilities were not diminished by the new legislation.

Since one-half of the new board of regents is composed of school board members, and since the concept of the two-year college is so obviously "public school"-oriented, it was decided to include Kansas in the category of states operating two-year colleges as a part of the public school system.

Establishment. The only requirement for the establishment of such institutions in Kansas is that a majority of the qualified electors voting in a special or general election shall vote in favor of such a proposal.

Financing. The financing of such high school extensions or county junior colleges is by monies from local general funds or from local tax levies. The board of regents of the county junior college is empowered to levy a tax not to exceed two and one-half mills on assessed property valuation for the purpose of operating the college. The board of regents is authorized, subject to an affirmative vote of the qualified electors, to issue bonds for capital outlay, the cumulative total of which shall not exceed three per cent of the taxable tangible property of the county. Tuition charges are authorized for vocational educational programs, but no evidence of tuition authorization for academic courses was found.

Louisiana

Louisiana has legislation, enacted in 1928, which provides that parish (county) school boards may create junior college districts which encompass the entire parish.[46]

Concept. The statute provides that:

> Such colleges must be operated in connection with a state high school, and offer two years of standard college work,

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[46] Louisiana Revised Statutes, Title 17, Chap. 3, sec. 1380 through 13.82 and Chap. 4, secs. 1521, 1531, 1551, and 1555.

in keeping with accredited colleges, in advance of the courses of study prescribed for state high schools.

State Control. State control is vested in the department of education which prescribes the courses of study, the hours of credit allowed, and "the rules and necessary regulations for the proper government of the colleges." Responsibility for enforcement of such rules and regulations is delegated to the parish superintendents and parish school boards of the districts so created.

Local Control. Local control is placed with the parish school board, but the only specified authority of such a board is that it and the governing authority of the parish, voting as a unit in joint session, shall select the location of such a junior college, only one of which is allowed for each parish.

Establishment. No specific provision for establishment was found in the statutes.

Financing. The only financial provision for such junior colleges is to the effect that the parish school boards may hold and conduct special elections within the districts created for the purpose of levying special taxes not to exceed two mills on all taxable property within the district for a period of ten years to derive funds for constructing, aiding, supporting, and maintaining such junior colleges. Funds so derived are placed in a special fund to be used for the junior colleges only.

The foregoing provisions constitute all of the legislative provisions for such institutions.

Several special acts were found dating back to 1964 which authorized the "Board of Supervisors of Louisiana State University and Agricultural and Mechanical College" to establish "as a branch or extension" a "two-year junior commuters' college" at various specified places in the state. These institutions are not, however, considered to be two-year colleges as reported in the Junior College Directory (Harper, p. 32). The legal interpretation of such institutions, it is assumed, is that they are off-campus centers of the Louisiana State University, and as such they are not included in this analysis.

Maryland

Two-year college legislation in Maryland dates to 1961.[47] At that time legislation was enacted which provided that:

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[47] Annotated Code of Maryland, Art. 77, Chap. 31, secs. 300, 300A, 301, 303 and 304.

> The board of education of any county and the board of school commissioners of Baltimore City, with the approval of the state superintendent of schools, by appropriate resolution, may establish and maintain community colleges.

For the purpose of administration of such institutions, the local board of education was constituted a board of trustees with authority: (1) of general control including adoption of rules and regulations; (2) to employ a president and other personnel and to fix their salary and conditions of tenure; (3) to determine curricula and entrance requirements, subject to minimum standards of the state department of education; and (4) to establish reasonable student fees.

In 1965, without repealing the above legislation, the Maryland legislature provided for the creation of "regional community colleges."

Concept. The concept of the "community college" is that of

> . . . an institution of higher education, offering at least one two-year program of post-high school education and performing one or more of the following functions:
> 1. Offering terminal vocational, technical, and semi-professional programs;
> 2. Offering terminal non-technical programs; or
> 3. Offering the equivalent of freshman and sophomore years of college work.

A "regional community college" is defined as one of the above institutions established for and supported by two or more counties or one or more counties and Baltimore City.

State Control and Establishment. Very little state control is evidenced in the statutory provisions for regional community colleges. The only provision which might be so interpreted deals with establishment of such institutions and reads as follows:

> The State Board of Education may establish regional community colleges for two or more counties or for one or more counties and Baltimore City, subject, however, to the prior approval of the county commissioners, city councils, or city council, as the case may be, for each county (or Baltimore City) to comprise the region and to support such regional community college.

Local Control. Local control is vested in a "board of trustees" comprised of all the members of each county board of education in the district comprising the region. In the event that all school boards are not the same size, each board will elect a number of trustees from its membership equal to the membership of the smallest board. Each superintendent of schools in the community college district is an ex officio member of the board of trustees without the right to vote.

Boards of trustees so constituted have all the powers enumerated for the trustees in section 300 of the Code as cited above.

Financing. Operating expenses of community colleges and regional community colleges are derived one-third from state funds, one-third from local funds, and one-third from student tuition, provided that state contributions are limited to $300 for each full-time student. The local contribution is prorated among participating counties on the basis of the proportion of students from each respective county. The county commissioners are authorized to appropriate from their general funds amounts necessary to cover local contributions for operating expenses. Capital outlay is solely a local responsibility, and county commissioners are authorized to appropriate such funds as are needed to meet the costs of establishment, purchase of land, construction, and equipment. They are also authorized to borrow funds for capital outlay subject to laws governing the creation of public debt.

Nebraska

Nebraska has laws pertaining to the establishment of "junior colleges," the source of which dates back to 1931.[48]

Concept. The current concept of such institutions is that they form a part of the secondary school system, and they

> . . . may provide courses of instruction designed to prepare for higher institutions of learning; courses of instruction designed to prepare for agricultural and industrial, commercial, homemaking and other vocations; and such courses of instruction as may be deemed necessary to provide for the civic and liberal education of the citizens of the community.

State Control. The only vestige of state control of these institutions is the statutory provision that the minimum requirement for graduation from such institutions must be set at 60 credit hours of work, and that the state department of education shall prepare standards and regulations for

> . . . the accrediment [sic] of such junior colleges, provide adequate inspection for junior colleges, and recommend for accrediting all such courses of study offered by junior colleges as may meet the standards and regulations as determined.

Local Control. In junior college districts in which boundaries are coterminous with a single school district, local control is vested

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[48] Revised Statutes of Nebraska, 1943, Chap. 79, Art. 16, sec. 79-1603 through 79-1620.

in the school board of the district. In junior college districts consisting of more than one school district, the "board of education of the junior college district" consists of six members elected on the same basis as county officials. Term of office is six years, and board membership is distributed to all school districts comprising the junior college district. In either of the above situations, the junior college board is empowered to: (1) prescribe and collect tuition and fees; (2) select a president and faculty and determine their salary; (3) issue bonds for capital outlay; (4) erect dormitories and eating facilities; (5) acquire property; and (6) enter into an agreement with the Board of Regents of the University of Nebraska to the effect that the University may take over and operate such facilities and equipment "in the furtherance of the educational program of such university if such educational program may be carried out within the budget of the university."

Establishment. Any school district which had, during the preceding school year, an average total attendance of 200 or more students in the high school or high schools located therein and an assessed property valuation of not less than five million dollars is eligible to qualify as a junior college district. To initiate proceedings for establishment, a petition signed by at least 500 of the qualified electors residing in the proposed district and accompanied by a separate petition signed by a majority of the members of the board of education of the district is presented to the state commissioner of education for approval. If the state department of education approves the petition, it is then submitted to the qualified electors of the district for a final decision. A junior college district may also be formed by two or more school districts, not necessarily contiguous, providing they had collectively in the previous school year an average daily high school attendance of 400 students and otherwise qualified as stated above.

Financing. Operating expenses of junior colleges are paid from tuition and local taxes. Each district is authorized to charge any tuition and fees it deems appropriate. There is no special provision for a tax levy for operation of a junior college; such levy is considered a school tax, and such funds as are needed are added to the school tax. The board of education of a junior college district is authorized to issue bonds for capital outlay and pay for the retirement of the bonds by an additional levy on real and personal property not to exceed two mills.

North Dakota

Statutory provisions for two-year colleges in North Dakota were first enacted in 1931.[49] Apparently the concept of these institutions

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[49] North Dakota Century Code, Title 15, Chap. 15-18, secs. 15-18-01 through 15-18-10.

has not changed appreciably during the intervening time.

Concept. The concept of such institutions is not very specifically defined. The statutes merely provide the following statement:

> The school board of any school district . . . [meeting certain qualifications] may establish and maintain, in conjunction with the high school of such district, a department of junior college work to consist of not more than two years of work beyond a four-year high school course.

Such institutions may offer vocational training because in terms of state established standards there is no reference to such courses, but there is no mention of this in the statement pertaining to the concept of the junior college.

State Control. State control of "junior college work" is nominal. Prior to 1965 the law provided that the state board of higher education should prepare and publish "from time to time" standards for junior colleges "including trade courses if offered," provide for their inspection, and recommend for accrediting any such courses meeting the standards prescribed by the board. In 1965 the law was amended to remove establishment of jurisdiction of the state board of higher education and place this function under the state board for vocational education.

Local Control. Local control of a junior college is vested in the school board of the district, but its powers are not specified in the statutes. It is assumed that such powers are equivalent to those available for operation of the elementary and secondary schools. A 1967 addition to the laws for junior colleges authorized the local school board to appoint to serve at its pleasure a five-member board of control to direct the management and operation of a junior college. This new board of control is authorized to employ teachers and other personnel, prescribe courses of study, purchase equipment and supplies, prepare an annual budget, authorize expenditure of funds within the limits of the budget, and perform such other functions as the school board may prescribe. The school board, however, retains the right to approve, amend, or deny any decision made by the new school board. As a matter of fact, there is no restriction on membership of this new board, and the school board could, if it so chose, appoint the new board from its own members or serve as a dual board itself.

Establishment. The school board of any public school district comprising any city of the state which has a population of more than 5,000, when authorized by a two-thirds majority of the qualified electors voting on the issue, may establish a junior college.

Financing. Operating funds for junior colleges are derived from three sources: tuition, local taxes, and state aid. Junior college districts are authorized to establish their own tuition rates

and, in addition, levy a property tax not to exceed eight mills. Authorization for the specific amount is voted upon at the time of establishment. The state, from state appropriations, provides $250 for each student in attendance the entire academic year--subject to the provisions that the local tax levy is at least four mills and full-time enrollment is at least 100 students. There is no provision in the law for capital outlay funds from any source; it is assumed that junior colleges operated within the framework of this law will utilize the public school facilities.

Comparison of Statutory Evolvement among Legal Structures

This chapter was concerned with an investigation of statutory provisions for two-year colleges for the purposes of determining trends, categorizing the various approaches to legal structure, and analyzing these structures in terms of institutional concept, state control, local control, establishment, and financing. Examination of the current statutes for the 50 states revealed that ten states do not have statutes which provide for two-year colleges. Analysis of the statutory provisions for two-year colleges in the remaining 40 states indicated that these states could be grouped into seven different categories as follows: (1) two-year colleges operated as an overall part of higher education; (2) two-year colleges operated under a separate state board--local control; (4) two-year colleges operated under a separate state board--no local control; (5) two-year colleges operated under a state board of education--local control; (6) two-year colleges operated under a state board of education--no local control; and (7) two-year colleges operated locally as a part of the public school system.

Twelve states have statutory provisions which make the two-year college an integral part of higher education. It was found, however, that two distinct approaches to structuring two-year colleges were utilized. In some states the two-year colleges were found to be responsible to a board of regents, a board of higher education, or a board of education which was responsible for all higher education in the state. For the most part, two-year institutions in this group are operated with some degree of local autonomy under a board of trustees. Another distinct group consisted of those states in which the two-year colleges were found to be operated as a downward extension of a state university or four-year college. In these states control of the two-year institutions was found to be vested in the governing board of the parent institution. Sufficient differences in legal structure seemed to exist between the two groups to justify a separate categorization.

For the six states operating two-year colleges as an overall part of higher education, the respective dates of establishment for the current legal structure and the types of previous state and local control are listed in Table 2. The present legal structure represents

original legislation for two-year colleges in three of the six states, Georgia, New York, and Rhode Island. Prior to the current legal structure, two-year colleges in New Jersey and Ohio were operated at the state level by the state board of education and by county governments and local school boards, respectively, at the local level.

Prior to 1967 Oklahoma institutions were operated under the general control of the same board of regents as they are now, but the 1967 legislation provided for district institutions, much more state aid, greater state-level control, and local trustees. Of the states in this category, only Rhode Island makes no provision for local control of institutions. In the remaining five states, the extent of local autonomy varies markedly. In Georgia and New York, institutions have a large measure of local autonomy, whereas in New Jersey, Ohio, and Oklahoma, much greater authority is vested in the state controlling agency. Worthy of note is the fact that in five of the six states in this category the current legal structure was created within the 1957-67 decade.

Table 2. Dates of Establishment of Current Legal Structure and Types of Prior Control for Two-Year Colleges Operated as a Part of Higher Education

State	Date Established	Prior State Control	Prior Local Control
Georgia	1958	Original legislation	
New Jersey	1962[a]	State bd. education	County government
New York	1948	Original legislation	
Ohio	1961[b]	State bd. education	Local school boards
Oklahoma	1967	Bd. higher education	Local school boards
Rhode Island	1960	Original legislation	

[a] This system was first under the control of the state board of education. During the 1962-67 interval the law was revised, giving jurisdiction to the state board of higher education.

[b] From 1961 to 1963 this system was under the control of a state junior college board. The board of regents was created in 1963 at which time the previously established system was placed under its jurisdiction.

The six states which operate two-year colleges as a downward extension of state colleges or universities are listed in Table 3. In Alaska, Hawaii, and Kentucky, two-year colleges are operated by the state university under the control of the university governing board. In New Mexico, Utah, and West Virginia, the statutes authorize operation of two-year colleges under more than one state-operated four-year institution, subject to certain legal restrictions. The present legal structure represents original legislation in five of the six states; before 1962 Kentucky had general enabling legislation which authorized two-year colleges to be operated as a part of the local school system under the general control of the state board of education. In four of the six states in this category, the current legal structure was enacted in the 1957-67 decade.

Table 3. Dates of Establishment of Current Legal Structure and Types of Prior Control for Two-Year Colleges Operated under State Colleges and Universities

State	Date Established	Prior State Control	Prior Local Control
Alaska	1953	Original legislation	
Hawaii	1964	Original legislation	
Kentucky	1962	State bd. education	Local school boards
New Mexico	1957[a]	Original legislation	
Utah	1937	Original legislation	
West Virginia	1961[b]	Original legislation	

[a] New Mexico also has legislation enacted in 1963 which authorizes locally controlled junior colleges, but apparently none have ever been established.

[b] The date of original enactment of this legislation is uncertain; current statutes list 1961 laws as the source of present statutes.

In eleven states the current legal structure provides that state-level control be vested in a separate state board for two-year colleges; however, one major difference exists among these states. Six states make provisions for some degree of local control vested in a local

board of trustees, whereas five states make no allowance for local control. The possible importance of this difference seemed to warrant a separate categorization of these two groups of states.

The states which operate two-year colleges under a separate state board and also make provisions for local control in the form of a board of trustees are listed in Table 4. In Arkansas the current legal structure represents original legislation. Legislation for the five remaining states in this category evolved from systems previously under the control of a state board of education at the state level. At the local level in three of the five states, such institutions were previously operated as a part of the public school system. In two states local control was vested in a board of trustees. In only one state in this category, Mississippi, does current legal structure predate 1950, and in four of the six states the present legal structure was enacted in the 1957-67 decade.

Table 4. Dates of Establishment of Current Legal Structure and Types of Prior Control for Two-Year Colleges Operated under a Separate State Board--with Local Boards of Trustees

State	Date Established	Prior State Control	Prior Local Control
Arizona	1960	State bd. education	Local bds. trustees
Arkansas	1965	Original legislation	
Illinois	1965	State bd. education	Local school boards
Mississippi	1928	State bd. education	Local school boards
Washington	1967	State bd. education	Local bds. trustees
Wyoming	1951	State bd. education	Local school boards

The five states which operate two-year colleges under a separate state board with no provision for local control are listed in Table 5. Important to note for this category is the fact that four of the five states had previous legislation which placed state control of the two-year colleges under the jurisdiction of a state board of education, either directly or indirectly. There was no clear pattern of previous local control in this group. Equally worthy of note is the fact that all five systems were created within

the 1957-67 decade, four of these within the last five years.

Table 5. Dates of Establishment of Current Legal Structure and Types of Prior Control for Two-Year Colleges Operated under a Separate State Board--No Local Control

State	Date Established	Prior State Control	Prior Local Control
Colorado	1967	State bd. education	Local bds. trustees
Connecticut	1965	State bd. education	Local school boards
Massachusetts	1958	Dept. of education	Var. local controls
Minnesota	1963	State bd. education	Local school boards
Virginia	1965	Bds. parent institution	

The largest number of states falls in the category in which two-year colleges are operated under a state board of education which is also responsible for the operation of the public school system, but in which the two-year colleges are locally controlled by a board of trustees which is separate and apart from the public school system at the local level. The states in this category are listed in Table 6. Within this group of states the most important change in legal structure has been the removal of the two-year college from the control of a local school board and the placing of these institutions under separate local boards of control. This is evidenced in six of the nine states in this category. In only two of these states, Pennsylvania and Texas, does the present structure represent original legislation, and one of these two legal structures was established in 1929. In one state the two-year colleges were previously under the control of a board of higher education. Again, legislation creating the current structure in seven of the nine states was enacted in the 1957-67 decade, and in five of the seven, within the last five years.

Table 6. Dates of Establishment of Current Legal Structure and Types of Prior Control for Two-Year Colleges Operated under a State Board of Education--with Local Boards of Trustees

State	Date Established	Prior State Control	Prior Local Control
Idaho	1963	State bd. education	Local school boards
Iowa	1965	State bd. education	Local school boards
Michigan	1965	State bd. education	Local school boards
Missouri	1961	State superintendent	Local school boards
Montana	1965	State bd. education	Local school boards
North Carolina	1963	Bd. higher education	Local bds. trustees
Oregon	1959	Bd. higher education	Local school boards
Pennsylvania	1963[a]	Original legislation	
Texas	1929[b]	Original legislation	

[a] Before 1963 Pennsylvania operated several "commonwealth campuses" of Pennsylvania State University; many of these are still in operation.

[b] Texas statutes provide for several types of junior college districts, most of which appear to be conposed of more than one school district and are operated by trustees; where the boundaries of a junior college district are coterminous with those of a single school district, the local school board operates the college.

Only Alabama is included in the category of states operating two-year colleges under a state board of education with no local control. Alabama institutions are actually operated by the state department of public instruction which is under the jurisdiction of the state board of education. Legislation creating this system was enacted in 1963. Since Alabama is the only state utilizing this approach to legal structure, it was not considered further in the study.

The final category consists of those states having statutory provisions which make the two-year college a part of the public school system at the local level. Under this structure, institutional control is vested in the local school board. States in this category are listed in Table 7.

Table 7. Dates of Establishment of Current Legal Structure and Types of Prior Control for Two-Year Colleges Operated as a Part of a Local School System.

State	Date Established	Prior State Control	Prior Local Control
California	1907	Original legislation	
Florida	1939[a]	Original legislation	
Kansas	1917	Original legislation	
Louisiana	1928	Original legislation	
Maryland	1961[b]	Original legislation	
Nebraska	1931	Original legislation	
North Dakota	1931	Original legislation	

[a] A major revision of Florida statutes was enacted in 1957 which gave broader powers to the state board of education and provided more state support, but sources of state and local control were unchanged.

[b] In 1965 Maryland law was amended to provide for "regional community college districts" consisting of one or more school districts; local control was vested in a board composed of all the school boards in the district, and some what more state aid and control were provided.

Trends

An examination of the data summarized in the preceding paragraphs and depicted in Table 2 through Table 7 reveals certain well defined trends. In 28 of the 40 states having statutes for two-year colleges, major changes in legal structure were enacted during the

1957-67 decade; this number represents 70 per cent of all states having statutory provisions for two-year colleges (and includes Alabama which is not included in the tables). The most pronounced trend in evidence was the movement away from the two-year college operated by the local school board as a part of the public school system. Twelve states removed two-year colleges from the control of local school boards during the 1957-67 decade. Of these, six states changed to separate local boards of control but continued to vest state-level control in the state board of education. Of the six remaining states, three adopted legislation creating a separate state board for two-year colleges, two made the two-year colleges a part of higher education, and one placed these institutions under a state university. Nine of the 40 states enacted original legislation for two-year colleges during the 1957-67 decade. Of this number, five either made the two-year college a part of higher education or placed it under a state college or university; only one state enacting original legislation moved to any of the other previously defined legal structures. Nine states created separate state boards for two-year colleges during the 1957-67 decade, five of which made no provision at all for local control. Of these nine states, one represented original legislation and seven systems were removed from the control of a state board of education. Nine of the states vesting control of two-year colleges in a state board of education also enacted major legislation in the 1957-67 decade. Only two, however, represented original legislation, and four retained the same type of state-level control.

In summary, the following trends in control of two-year colleges were most evident during the 1957-67 decade: (1) movement away from control by local school boards; (2) movement toward separate state boards for two-year colleges predating the decade under consideration, but gaining momentum in the latter part of the 1957-67 decade; and (3) in terms of original legislation, movement toward the two-year college as a part of higher education, either under a state board responsible for all higher education in the state or under the control of a state college or university.

CHAPTER IV

ANALYSIS AND SUMMARY OF STATUTORY DIFFERENCES AMONG TWO-YEAR COLLEGE SYSTEMS

The preceding chapter was concerned with a state-by-state analysis of statutes for two-year colleges in terms of institutional concept, state control, local control, establishment, and financing. The purpose of this chapter is to analyze the above factors, with the exception of financing, to determine whether significant differences exist among six of the seven legal structures identified in the preceding chapter. An analysis of financial provisions was deferred to the succeeding chapter on institutional differences because the statutory provisions were found to be so diversely and often so unquantifiably stated as to preclude a systematic analysis based upon statutory interpretation.

Institutional Concept

The preceding chapter revealed that, in terms of institutional concept as provided by state statutes, state systems of two-year colleges could be grouped into categories of institutions offering: (1) only academic or college transfer programs; (2) academic and technical programs; (3) academic, technical, and vocational programs; (4) academic, technical, and adult education programs; or (5) academic, technical, vocational, and adult education programs. In three states there was no legally defined concept of an institution.

To determine whether the 36 states having legally defined concepts for two-year colleges and operating under the six previously defined legal structures differed significantly in terms of institutional concept, states operating under each of the legal structures were categorized on the basis of institutional concept as defined above, and the distribution was subjected to a chi square analysis.[50]

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[50] Chi square is mathematically defined as $\sum \frac{(O - E)^2}{E}$ where O is observed frequency and E is expected frequency. All expected frequencies for this study are based upon an expectation that within a legal structure the traits or characteristics under consideration will bear the same proportionate distribution within the legal structure as they do to all legal structures combined. Mathematically this means that each expected frequency is the product of the corresponding observed frequencies row total multiplied by the column total, the product of which is divided by the grand total of observed frequencies. Procedures followed in the calculation of chi square are outlined in N. M. Downie and R. W. Heath, Basic Statistical Methods (New York, N. Y.: Harper and Brothers, Publishers, 1959), pp. 147-57.

The observed and expected frequencies of states falling into each category are shown in Table 8. The chi square analysis of the data in Table 8 yielded a value of 23.38 which, with 20 degrees of freedom, is significant only at the 25 per cent level. For the purposes of this study, significance levels greater than 10 per cent are rejected. On that basis the difference here in observed and expected frequencies is not significant although the value of chi square is rather large. Worth noting, however, is the fact that the greatest deviations from the expected are in the category "Higher Education"--where more states than expected offer only academic and technical programs, and fewer than expected offer academic, technical, vocation, and adult education programs--and in the category "Local School Boards," where more states than expected offer only academic programs.[51]

State Control

The type of state controlling agency was accepted in the previous chapter as a basis upon which states could be categorized for the purpose of statutory analysis, and for each state the method of state control was analyzed in terms of powers and duties. Powers and duties of state-level agencies as defined in the statutes were found to be stated in such diverse terms and to such varying degrees that a systematic classification and statistical analysis as done in the preceding section was not possible. It was possible, however, to summarize certain characteristics of state control for each legal structure based on an analysis of state control as presented in the preceding chapter.

Two-year colleges operated as a part of a system of higher education are placed under the control of a state board for higher education although it is also variously called a state board of regents, a board of regents of a university system, or state university trustees. The identifying characteristics of these variously named boards is that

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[51] Henceforth in the study, a shortened nomenclature as used in Table 8 will be used to refer to all legal structures in either the tables or the text. "Higher Education" refers to the legal structure of "Two-Year Colleges Operated as a Part of a Statewide System of Higher Education"; "Universities" refers to "Two-Year Colleges under State Colleges or Universities"; "Sep. Bd.--L.C." refers to "Two-Year Colleges under a Separate State Board--with Local Boards of Trustees"; "Sep. Bd.--N.L.C." refers to "Two-Year Colleges under a Separate State Board--No Local Control"; "St. Bd. Ed.--Tr." refers to "Two-Year Colleges under a State Board of Education--with Local Board of Trustees"; and "Local Sch. Bds." refers to "Two-Year Colleges Operated as a Part of the Local School System."

Table 8. Observed and Expected Distributions of States on the Basis of Legal Structure and Institutional Concept[a]

Legal Structure	A		A-T		A-T-V		A-T-A		A-T-V-A		Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
Higher Education	0	0.69	2	0.42	2	1.53	1	0.28	0	2.09	5
Universities	0	0.69	1	0.42	2	1.53	0	0.28	2	2.09	5
Sep. Bd.--L.C.	0	0.84	0	0.50	2	1.83	0	0.33	4	2.50	6
Sep. Bd.--N.L.C.	1	0.69	0	0.42	1	1.53	1	0.28	2	2.09	5
St. Bd. Ed.--Tr.	1	1.11	0	0.67	3	2.45	0	0.45	4	3.33	8
Local Sch. Bds.	3	0.98	0	0.58	1	2.14	0	0.38	3	2.91	7
Total	5		3		11		2		15		36

[a] Differences not significant.

each is responsible for all public higher education within its state.

In analyzing the relationship of these boards to the two-year colleges within the state, two distinct patterns emerged. In Georgia and New York the operation and administration of two-year colleges was found to be primarily a local responsibility with the state controlling agency establishing accreditation standards, guidelines for the receipt and use of state allocated funds, and, in some instances, general guidelines for the establishment of two-year colleges. New Jersey, Ohio, and Oklahoma, on the other hand, empowered state boards of higher education to enter into the actual management of the system including budgeting, establishment of tuition rates, rules for attendance, minimum qualifications for professional staff members, and approval or disapproval of requests for new programs. The powers of the boards in these states were found to be analogous to the powers of some of the separate state boards for two-year colleges.

States which operate two-year colleges as a downward extension of a state university or a state college have characteristics of state control which are in marked contrast to other approaches to state control. In these states control of the two-year college is vested in the board of regents or trustees which controls the parent institution, and this board exerts the same control over the two-year colleges as it does over the parent institution. There are no provisions for local control, and statutory guidelines for the operation of two-year colleges are usually very general or non-existent. In the absence of restrictive statutes, one can but assume that the powers of the board of trustees (most of which it is assumed are delegated to the university administration) are virtually unlimited in matters concerning the operation of a two-year college. Certainly the paucity of statutory guidelines and restrictions for states in this category contrasts sharply with the more detailed statutes of other categories.

Two-year colleges operated under a separate state board with no local control would appear, upon superficial observation, to be similar to the above category in that under neither legal structure are there provisions for local control, and under both structures vast powers are vested in the board of control. These generalizations are true, but analysis of the statutes reveals two subtle but major differences. First, two-year colleges operated as downward extensions of universities, as noted above, operate under meager statutory guidelines, but, more importantly, they operate under guidelines, where such exist, which were designed for the governance of a senior college or university. Such legal structure makes no allowance whatever for the philosophical differences in two-year colleges and senior institutions. Second, the sole function of the separate state board is the operation of a system of two-year colleges whereas the first responsibility of a board of regents of a university is the operation of that university. Under such circumstances, it is

conceivable that two-year colleges might receive secondary consideration, or worse, that policy-making concerning them could be delegated almost entirely to administrators--administrators who, because of their training and experience, are quite possibly more oriented to the concept and needs of an academic university. Possible differences in operation of institutions in these two systems are considered at a later point.

Analysis of statutes of states which have a separate state board for two-year colleges with local trustees and states which operate two-year colleges under a state board of education with local trustees revealed no major legal differences which could be contrasted. Each structure provides for a sharing of power and authority between a state board and local boards of trustees. In contrasting these two legal structures the major difference is one raised in the preceding paragraph. In states in which the state board of education controls the two-year college, the situation of priorities again arises: a state board of education was first responsible for the operation of the public school system to which has been added the responsibility of operating a system of two-year colleges. Although legal guidelines are usually more detailed than for a university board of regents, they are sometimes found to be couched in the terminology of the public school system. This ordering of priorities, at least chronologically, in the public school context again raises questions of operating philosophy, answers to which will be attempted later.

For two-year colleges operated locally as a part of the public school system the question of priorities is manifold. Analysis of the statutes revealed that again (with the exception of one state) the state board of education has been given the added burden of controlling a system of two-year colleges. Administratively at the state level, operation of such two-year colleges is placed under the superintendent of public instruction, who has as a major responsibility the administration of the public school system, and within the department of public instruction, which is again, by virtue of its primary purpose, possibly more oriented to the needs of the public school system.

The same situation prevails at the local level. Control is placed in the hands of the local school board which has been constituted to operate the local public school system. Analysis of the statutes revealed that these boards were given powers with respect to two-year colleges which were most often "the same as those provided for the operation of the public school system." Finally, such two-year colleges are most often administratively responsible to a superintendent of schools who was appointed (or elected) to administer the public school system. From this description it is evident that the question of priorities and philosophies is doubly important with respect to this legal structure. Again, analysis of operational differences will be considered later in the study.

Local Control

A cursory examination of the statutes pertaining to local control of two-year colleges, as described in the preceding chapter, reveals certain contrasts among the six different legal structures as defined in this study. Two of the six structures, "Universities" and "Separate Board--No Local Control," contain no provisions whatever for local control. In the first of these two categories the board of trustees of the parent institution generally has absolute control over the two-year colleges, whereas in the second category the separate state board for two-year colleges has pervasive authority with respect to the institution. The difference in these concepts has been treated in a prior section and will not be further elaborated upon here. In the following paragraphs, attention is turned to the four legal structures which do provide for local control, and an analysis of quantifiable differences is made.

Three of the four remaining legal structures provide for a board of trustees whose sole responsibility is the operation of a two-year college. In the fourth category, "Local School Boards," institutions are operated by local school boards or local boards of education which are either elected or appointed primarily for the purpose of operating the public school system. Such boards usually assume the responsibility of operating the two-year college as a secondary responsibility because, as the statutory analysis revealed, most boards in statutory terminology are accorded the same powers and authority over the two-year college as they have over the local public schools. In this sense then, the operation of the college is a "tacked-on" and possibly subsidiary responsibility. Since local school boards, for the most part, are dependent upon and derive their powers from the legal structure of the public school system, they will not be further considered in this section. The remainder of this section is devoted to the three legal structures which provide for bona fide boards of trustees whose sole function is the operation of a two-year college and whose powers, duties, number, method of selection, and tenure are enumerated in statutes for two-year colleges.

Analysis of the powers and duties of local boards of trustees for the three remaining legal structures revealed many similarities. Practically all boards are considered a body corporate with the ensuing powers, and members of a board of trustees are considered state officials in the pursuance of their duties. Most boards were found to be authorized to purchase land and own and construct facilities; promulgate rules and regulations for the operation of the institution; approve institutional budgets; and employ personnel for the operation of the institution. Some boards were found to be fiscally independent in that they are authorized to issue bonds for capital outlay and levy taxes for operating expenses, whereas other boards (a vast majority) were found to be dependent upon local or state government to perform these functions. Examination of powers and duties by legal structure did not reveal any powers or functions

which tended to be more prevalent in one legal structure than another. In most cases, local boards of trustees were found to be required by law to adhere to policies and rules and regulations of the state board of control in matters concerning curriculum and personnel standards and the spending of state appropriated monies.

The most apparent differences in local control among the three legal structures providing for local boards of trustees were in terms of board size, method of selection, and term of office. For each of the three categories of legal structures, "Higher Education," "Separate Board--Local Control," and "State Board of Education--Trustees," the mean number of board members, the number of boards elected, and the mean term of office were calculated from the data presented in the preceding chapter. In the first category above, Georgia and Rhode Island were eliminated because in Georgia the local government officials who sponsor the college serve as its board and in Rhode Island there are no provisions for local boards. In Mississippi from the second category above and Iowa, Michigan, and Pennsylvania from the third category above, provisions are made for a variable number of board members. Mississippi and Iowa were removed from the calculations of mean numbers because Mississippi provided for six board members from each county comprising the college district and there was no way to ascertain the number of counties in a district, and Iowa provided for one board member from each legislative district in the college district. For the other states an average was used. The data as calculated are shown in Table 9.

Table 9. Mean number, Method of Selection, and Length of Tenure for Local Boards of Trustees under Three Legal Structures

Legal Structure	Number Of States	Mean Size Of Board	Mean Term Of Office	Boards Appointed	Boards Elected
Higher Education	4	8.5	6.25 Yrs.	3	1
Sep. Bd.--L.C.	6	6.6	4.50	1	5
St. Bd. Ed.--Tr.	9	8.3	5.33	2	7

The small number of states in each category precludes the use of parametric statistical techniques to determine whether the differences among mean size and mean tenure are significant, but it appears that there is a significant difference in board size between the states which have a separate state board for two-year colleges and the states

in the other two categories. Also worthy of note is the fact that mean term of office is directly proportionate to mean board size. The one difference in the table above which lends itself to statistical interpretation is the method of board selection. A chi square contingency table showing observed and expected frequencies for selection of board members is shown in Table 10. A chi square analysis of these data yielded a value of 5.03, which, with two degrees of freedom, is significant at the ten per cent level. The observed and expected frequencies indicate that a major portion of the difference in these two variables can be attributed to the fact that boards of trustees under the legal structure "Higher Education" are appointed much more frequently than expected, while those in "Separate Board--Local Control" and "State Board of Education--Trustees" are elected more often than expected.

Table 10. Observed and Expected Distributions of States Appointing and Those Electing Trustees under Three Legal Structures[a]

Legal Structure	Appointed		Elected		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	3	1.26	1	2.25	4
Sep. Bd.--L.C.	1	1.90	5	4.10	6
St. Bd. Ed.--Tr.	2	2.84	7	6.15	9
Total	6		13		19

[a] Differences significant at the 0.10 level.

Establishment

An analysis of the criteria for establishment of two-year colleges as presented in the preceding chapter revealed that there are seven basic criteria which are variously utilized by the states in establishing new two-year colleges. These criteria are: (1) initiation of a petition by local voters; (2) approval of the state board of control; (3) requirement of a minimum population base in the proposed district; (4) requirement of a minimum tax base predicated upon the yield from real and personal property; (5) conduct a feasibility study; (6) requirement of a minimum enrollment in the high schools in the proposed district; or (7) a vote of the

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qualified electors in the district. Two methods which are used as alternatives to the above criteria are: establishing criteria by law and allowing the state agency of control to dictate the criteria for establishment.

For the 39 states (excluding Alabama) which have statutes for two-year colleges, the various methods or criteria are listed by legal structure in Table 11. A chi square analysis of the data in Table 11 was precluded because an underlying assumption of chi square is that categories are mutually exclusive, but in this instance a state can fall into one or more of several categories. An indication of the emphasis given the various methods and criteria is obtained by observing the "total" rows in Table 11 which indicate the total number of states within a legal structure utilizing a particular method or criterion. From these data certain trends or tendencies can be inferred (though not proved statistically). Overall, the most frequently used criteria were the requirements that a local petition be initiated and that an affirmative vote of the qualified electors precede the establishment of a two-year college, each criterion being used by 16 and 15 states, respectively. The next most frequently occurring requirement, used in 14 states, was that the state board of control must approve the establishment. The other criteria often used (eight states each) were a minimum tax base and a minimum enrollment in the high schools. Less often used were requirements of a minimum population base in four states and the conduct of a feasibility study in six states. Popular alternatives to the preceding criteria were the establishment of two-year colleges at the discretion of the state board of control in eleven states, followed by establishment by the state legislature in four states.

The greatest deviations from the average utilization of criteria are as follows. Two-year colleges in states under "Higher Education" or "Universities" tend to be established by state legislatures in a disproportionate number. In states having a separate board for two-year colleges with no local control, such institutions are always established at the discretion of the state board. Requirements of a locally initiated petition and approval of the state board of control are utilized much more often than the average in states operating two-year colleges under a state board of education with local trustees, while a minimum population base is most often required in states operating two-year colleges under local boards of education. A minimum tax base is not required at all in three categories, but it is utilized from one-third to one-half of the time in the other three categories. States in the categories "Higher Education" and "Separate Board--Local Control" tend to require a study of need more often than do states in the other categories. Requirement of a minimum high school enrollment occurs more frequently in the categories "Separate Board--Local Control" and "State Board of Education--Trustees." Finally, a vote of the qualified electors is not required at all in states which operate two-

Table 11. Methods and Criteria Utilized in the Establishment of Two-Year Colleges--by States Grouped by Legal Structures

STATE	No Provisions Specified	Established by State Legislature	Established at Discretion of State Agency or University Trustees	Approval of State Agency Required	Initiation of Local Petition Required	Minimum Population Base Required	Minimum Tax Base Required	Study of Need Required	Minimum High School Enrollment Required	Vote of Qualified Electors Required
Georgia	x									
New Jersey					x			x		x
New York				x						
Ohio					x	x				x
Oklahoma					x			x		x
Rhode Island		x								
Total	1	1	0	1	3	1	0	2	0	3
Alaska					x				x	
Hawaii			x							
Kentucky		x								
New Mexico				x				x		
Utah		x								
West Virginia			x							
Total	0	2	2	1	1	0	0	1	1	0
Arizona				x	x		x		x	
Arkansas					x			x		x
Illinois				x	x	x	x	x		x
Mississippi			x							
Washington			x							
Wyoming				x	x		x		x	x
Total	0	0	2	3	4	1	3	2	2	4

Table 11. (continued)

STATE	No Provisions Specified	Established by State Legislature	Established at Discretion of State Agency or University Trustees	Approval of State Agency Required	Initiation of Local Petition Required	Minimum Population Base Required	Minimum Tax Base Required	Study of Need Required	Minimum High School Enrollment Required	Vote of Qualfiied Electors Required
Colorado			x							
Connecticut			x							
Massachusetts			x							
Minnesota			x							
Virginia			x							
Total	0	0	5	0	0	0	0	0	0	0
Idaho							x		x	
Iowa				x	x				x	
Michigan				x						x
Missouri				x	x					x
Montana					x		x		x	x
Oregon				x	x				x	x[a]
Pennsylvania				x	x					
North Carolina			x	x				x		
Texas				x	x		x			x
Total	0	0	1	7	6	0	3	1	4	5
California						x	x			
Florida		x		x	x					
Kansas										x
Louisiana	x									
Maryland			x[b]							
Nebraska				x	x		x		x	x
North Dakota						x				x
Total	1	1	1	2	2	2	2	0	1	3

[a]Vote required only if petition requests it.
[b]Upon approval of county commissioners or city council.

year colleges either under a university or under a separate state board with no local control, but it is required in at least half of the states in the other four categories.

Summary

The purpose of this chapter was to analyze and summarize differences in statutory provisions for systems of two-year colleges operating under six different legal structures. Each legal structure was analyzed in terms of institutional concept, state control, local control (where applicable), and establishment. Statistical analysis of differences was performed whenever possible. An analysis of differences in financial provisions was deferred to a later chapter because of the inability to find a common denominator for the various approaches to allocating funds.

The major differences in institutional concept as determined by the analysis were as follows: (1) a tendency for institutions operating as a part of higher education under a statewide board of regents to offer only academic and technical programs more often than expected and to provide a comprehensive offering consisting of academic, technical, vocational, and adult education programs less often than expected; (2) a tendency for institutions operating under a separate state board of control and having local trustees to provide a comprehensive offering more often than expected; and (3) the tendency for two-year colleges operating under the control of local boards of education to offer only academic programs more often than expected.

Differences in state control did not lend themselves to statistical analysis. The major difference found was the paucity of statutory guidelines for systems operating under university or four-year college trustees and to a lesser extent for those operating under a state board of regents; this lack of legal provisions was contrasted to the usually well-defined statutory provisions for institutions operating under a separate state board for two-year colleges and/or systems providing for separate local trustees. A major question raised--and left unanswered for the time being--was the possibility of conflicting philosophies and the ordering of priorities, and their subsequent effects, in legal structures in which the state and/or local agencies of control have other duties which may assume priority over the responsibilities to two-year colleges. This question was raised in relation to university trustees, state boards of regents, state boards of education, state departments of public instruction, and local school boards operating two-year colleges.

Analysis of local control was centered on the three legal structures which provide for separate local boards of control for two-year colleges and was confined to a contrasting of board size,

term of office, and method of selection. It was found that the powers of boards under each system were, for the most part, equivalent. In terms of board size, the major tendency noted was that local boards of trustees in systems providing a separate state board of control tended to be smaller than those operating either as a part of higher education or under a state board of education. Mean tenure of board members also tended to be shorter in those systems operating under a separate state board, whereas mean term of office and board size were greatest in systems operating under a state board of regents for higher education. Due to the small size of the sample, a statistical analysis of these differences was not attempted. The methods of selection of trustees were appointment and election. There was a statistically significant difference among the three legal structures in that boards under higher education were appointed much more frequently than expected, whereas under the other two legal structures boards were elected somewhat more often than expected.

Ten different methods or procedures of establishment were noted for the different legal structures. Major methods of establishment were by state legislature, at the discretion of the state agency of control, or by legally defined procedures. The most prevalent procedures and/or criteria were approval of state agency of control, local initiation of a petition, population base, tax base, a study of need, high school enrollment, and a vote of the qualified electors. Statistical analysis was precluded because categories were not mutually exclusive. Most frequent requirements for establishment were initiation of a petition by local agencies and a vote of the qualified electors, followed by tax base, high school enrollment, and population base. The most discernible differences among systems were the establishment of two-year colleges by state legislatures more frequently in systems operating as a part of higher education, establishment at the discretion of the board of control in state systems operating under separate boards, and the frequent requirement of the initiation of a petition for systems operating under a state board of education or as a part of the local public school system.

The foregoing chapters and paragraphs conclude the analysis of legal differences in systems of two-year colleges based upon analysis of the constitutional and statutory provisions for such systems. In the second part of the study, which follows, attention is turned to an analysis of certain quantifiable institutional variables in an attempt to ascertain differences in personnel, students, and financing among the various legal structures as defined in this study.

CHAPTER V

ANALYSIS OF OPERATING VARIABLES IN PUBLIC TWO-YEAR COLLEGES UNDER SIX LEGAL STRUCTURES

The purpose of the second part of the study, the findings of which are presented and analyzed in this chapter, was to determine whether certain quantifiable institutional inputs and outputs differed significantly among six of the seven legal structures identified and analyzed in the first part of the study. The quantifiable variables for each institution were identified, as a result of the review of the literature, as immediate past work experiences and academic qualifications of the chief administrative officer and dean of instruction; sources and academic qualifications of the college transfer faculty; the presence or absence of certification requirements, tenure, and faculty rank; beginning enrollment in academic, technical, and vocational programs; output in terms of number of students graduating from academic, technical, and vocational programs; tuition costs; entrance requirements and the presence or absence of remedial instruction; and the sources of funds for operating and capital outlay expenses.

In the first part of the study 40 states were identified as having statutory provisions for two-year colleges. Seven different legal structures were required for what was considered to be a suitable differentation of legal characteristics. Since one of the seven legal structures contained only one state, it was excluded from the analysis of differences among legal structures which followed the state-by-state analysis of statutes. The second part of the study was further delimited, as stated in the introductory chapter, to exclude all states in which original legislation for two-year colleges was less than three years old (as of Fall, 1967); to exclude all states in which the current legal structure had evolved from another legal structure during the past four years; to exclude all states whose systems contained fewer than four institutions; to exclude all states in which two or more legal structures as defined in the study were operating concurrently within the same system; and, finally, to exclude all legal structures which, because of the preceding delimitations, contained fewer than two states.

On the basis of the above delimitations, 18 of the 40 states having statutes for two-year colleges were eliminated from the second part of the study. The remaining 22 states contained, as identified by the 1968 edition of the Junior College Directory, 244 public two-year colleges.

The questionnaire developed to obtain data on the institutional variables defined above was mailed, along with an explanatory letter and a pre-addressed, stamped envelope, to the chief administrative

officer of each of the 244 two-year colleges on October 4, 1968. The initial mailing resulted in a return of approximately 70 completed questionnaires. Three weeks later, another complete set of materials and in additional covering letter were mailed to all institutions which had not by that time responded. The second mailing resulted in the return of an additional 70 completed questionnaires. Finally a brief letter was sent to the non-responding institutions requesting the return of the completed questionnaire sought on two previous occasions. Approximately 30 questionnaires were received after the final letter of request.

Letters received from certain institutions indicated that of the 244 two-year colleges included in the study two had changed to four-year status, one was a specialized institution serving only a military establishment, one had just evolved from a technical institute and as yet did not have a transfer program, one was too new to provide the requested data, and what had been determined to be three separate institutions was in fact one institution with three campuses. Correcting for these discrepancies resulted in a net total of 237 institutions. Completed questionnaires were received from 171 institutions for an overall return of 72.15 per cent.

The 22 states included in the second part of the study, grouped by legal structure, are presented in Table 12. Also included in the table are the number of institutions in each state to which questionnaires were mailed, the number of completed questionnaires received, and the percentage of returns for each state and each legal structure.

The data in Table 12 reveal that the mean number of institutions for each legal structure may be the first discernible point of differentiation.. Dividing the total number of states in each category into the total number of institutions for that category indicates that there is an average of 11.5 institutions for each state operating in the category "Higher Education," 5.5 institutions for each state operating under "Universities," 9.7 institutions for each state operating under "Separate Board--Local Control," 14.5 institutions for each state operating under "Separate Board--No Local Control," 11.8 institutions for each state operating under "State Board of Education--Trustees," and 12.8 institutions for each state operating under "Local School Boards." The overall average for 22 states is 10.8 institutions for each state. The category which deviates most markedly from the mean is "Universities" with an average of only 5.5 institutions for each state. The large deviations and small number of states within categories preclude statistical analysis of this difference.

Table 12. Number of Questionnaires Mailed and Number and Per Cent Returned--by State and Legal Structure

Legal Structure	State	Number Mailed	Number Returned	Per Cent Returned
Higher Education	Georgia	9	9	100.00
	New Jersey	6	3	50.00
	Ohio	4	4	100.00
	New York	27	16	59.26
	Total	46	32	69.57
Universities	Alaska	6	6	100.00
	Hawaii	4	2	50.00
	New Mexico	4	3	75.00
	Kentucky	8	8	100.00
	Total	22	19	86.36
Separate Board-- Local Control	Arizona	4	4	100.00
	Mississippi	19	10	52.63
	Wyoming	6	6	100.00
	Total	29	20	68.97
Separate Board-- No Local Control	Massachusetts	13	5	38.46
	Minnesota	16	11	68.75
	Total	29	16	55.17
State Board of Education-- Trustees	Missouri	11	9	81.82
	North Carolina	13	12	92.31
	Oregon	11	8	72.72
	Pennsylvania	12	9	75.00
	Total	47	38	80.85
Local School Boards	Florida	26	19	73.08
	Kansas	16	14	87.50
	North Dakota	4	3	75.00
	Maryland	12	6	50.00
	Nebraska	6	4	66.67
	Total	64	46	71.88
	Grand Total	237	171	72.15

Chief Administrators

Part I of the questionnaire requested information on the age, tenure, sources of employment, experiences and tenure for two previous positions, and the academic qualification of the chief administrative officer for each two-year college. The next three sections analyze these variables as they exist within the six previously defined legal structures.

Age and Tenure of Chief Administrators

For each legal structure the mean age and mean tenure in the present position were calculated. These data are presented in Table 13, which shows that the mean age of chief administrators in the six legal structures varies from 46.05 to 49.87 years, with a mean for all 170 chief administrators of 47.65 years. Mean tenure varies from 2.71 to 7.00 years, with an overall mean of 4.54 years. To determine whether the ages and tenure of chief administrators differed significantly among the six legal structures, the data were subjected to an analysis of variance. Using the sum of squares among and within categories, mean squares were calculated. The ratio of mean squares yielded an F-ratio of 0.96 for differences in mean ages and an F-ratio of 2.83 for differences in mean

Table 13. Mean Ages and Mean Tenures of Chief Administrators (Age and Tenure in Years)

Legal Structure	Age		Tenure	
	Number	Mean[a]	Number	Mean[b]
Higher Education	31	49.87	28	4.14
Universities	19	46.79	19	4.68
Sep. Bd.--L.C.	20	47.50	21	5.76
Sep. Bd.--N.L.C.	16	48.13	16	7.00
St. Bd. Ed.--Tr.	38	46.05	38	2.71
Local Sch. Bds.	46	47.42	46	4.80
Total/Mean	170	47.65	168	4.54

[a] Differences not significant.

[b] Differences significant at the 0.05 level.

tenure. An F-ratio of 2.27 is required in order that the mean differences be significant at the five per cent level. On this basis the differences between age means are not significant, but the differences between tenure means are significant.[52] A possible source of differences in mean tenure, the mean number of years of institutional operation, is examined in a succeeding section.

Sources, Experiences and Prior Tenure of Chief Administrators

To determine whether the sources, experiences, and past tenure of chief administrators differed among legal structures, the questionnaire requested that each chief administrator indicate the source, job classification, and tenure of his two immediate past positions. Upon analysis, it was found that most chief administrators of two-year colleges had held immediate past positions in a two-year college, a four-year college, or a public school system; a small percentage had held positions in business and industry, state government, or the federal government. Table 14 contains a breakdown by legal structure of the number and percentage of chief administrators attributable to each source. The data in the table indicate that slightly over half, 50.29 per cent, of the chief administrators had held immediate past positions in two-year colleges. Equal proportions, 20.47 per cent each, had held immediate past positions in either public school systems four-year colleges. An additional 4.68 per cent came from state government, and 1.17 per cent came from the federal government. Of the two chief administrators classified as miscellaneous, one had been a technical institute director, and one had been an employee of a professional education organization.

Mean tenure for the positions in Table 14 for the six legal structures were calculated to be 5.93, 4.22, 4.30, 5.50, 4.74, and 3.33 years, respectively. Analysis of variance yielded an F-ratio of 2.19, which indicates that differences in tenure among the six legal structures for the immediate past position are not significant at the five per cent level.

Since over 90 per cent of the chief administrators came from a two-year college, a four-year college, or a public school system, and since chi square analysis with very small frequencies (and particularly zeros) tends to yield somewhat inflated results, it was decided to eliminate all other categories and subject the three categories mentioned above to chi square analysis to determine whether the number of chief administrators under the various legal structures differed significantly concerning source. The resulting

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[52] Procedures used in analysis of variance are detailed in Downie, Basic Statistical Methods, pp. 158-68. Tables for determining significance of F-ratio are found on pp. 268-73.

Table 14. Sources of Immediate Past Employment for Chief Administrators and Number Attributable to Each Source

Sources of Employment	Legal Structure						Total	Per Cent Of Total
	Higher Education	Univer-sities	Sep. Bd. --L.C.	Sep. Bd. --N.L.C.	St. Bd. Ed.--Tr.	Local Sch. Bds.		
Public Schools	1	10	3	4	7	10	35	20.47
Two-Year Colleges	14	6	15	8	20	23	86	50.29
Four-Year Colleges	13	0	3	4	5	10	35	20.47
Business-Industry	0	1	0	0	1	1	3	1.75
State Government	2	1	0	0	0	0	2	4.68
Federal Government	1	1	0	0	0	0	2	1.17
Miscellaneous	0	0	0	0	1	1	2	1.17
Total	31	19	21	16	38	46	171	100

observed and expected values are presented in Table 15. The chi square value obtained from the analysis of data in Table 15 was 31.15, which, with 10 degrees of freedom, indicates a difference significant at the 0.10 per cent level. Literally interpreted, this means that the chances are less than one in a thousand that the differences in observed and expected values in the table are attributable to chance. The major deviations in the table occur under "Higher Education," where many more chief administrators

Table 15. Observed and Expected Numbers of Chief Administrators Coming from Public School Systems, Two-Year Colleges, and Four-Year Colleges[a]

Legal Structure	Public Schools		2-Year Colleges		4-Year Colleges		Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
Higher Education	1	6.28	14	15.44	13	6.28	28
Universities	10	3.59	6	8.82	0	3.59	16
Sep. Bd.--L.C.	3	4.71	15	11.58	3	4.71	21
Sep. Bd.--N.L.C.	4	3.59	8	8.82	4	3.59	16
St. Bd. Ed.--Tr.	7	7.18	20	17.64	5	7.18	32
Local Sch. Bds.	10	9.65	23	23.70	10	9.65	43
	35		86		35		156

[a] Differences significant at the 0.001 level.

than expected come from four-year colleges and fewer than expected come from the public schools, and under "Universities," where a larger number than expected come from the public school system and fewer than expected come from four-year colleges.

Tabulation of sources of employment of second past positions of chief administrators of two-year colleges revealed that the proportion of employment in public schools and two-year colleges changed markedly, whereas the number attributed to other sources remained fairly constant. These data, presented in Table 16, indicate a substantial increase,

Table 16. Sources of Second Past Employment of Chief Administrators and Number Attributable to Each Source

Sources of Employment	Legal Structure						Total	Per Cent of Total
	Higher Education	Univer-sities	Sep. Bd. --L.C.	Sep. Bd. --N.L.C.	St. Bd. Ed. --Tr.	Local Sch. Bds.		
Public Schools	5	11	7	6	15	21	65	38.69
Two-Year Colleges	13	2	8	6	12	12	53	31.55
Four-Year Colleges	11	2	2	3	7	10	35	20.83
Business-Industry	0	1	0	0	1	0	2	1.19
State Government	1	1	1	0	1	2	6	3.57
Federal Government	1	0	0	0	0	0	1	0.60
Miscellaneous	0	2	1	0	2	1	6	3.57
Total	31	19	19	15	38	46	168	100

from 20.47 to 38.69 per cent, in the number of those previously employed in a public school system and a substantial decrease, from 50.29 to 31.55 per cent, in the number of those previously employed by four-year colleges remained virtually unchanged at 20.47 per cent for the immediate past position and 20.83 per cent for the second past position. Employment from other sources was almost unchanged at 9.93 per cent.

Mean tenures for the six legal structures in Table 16 were calculated to be 6.43, 4.07, 4.53, 3.43, 4.79, and 4.45 years, respectively. Analysis of variance was calculated for differences in mean tenure among legal structures yielding an F-ratio of 1.45 which indicates that the mean differences in tenure are not significant at the five per cent level.

The three primary sources of second past employment for chief administrators were subjected to chi square analysis to determine whether sources of past employment tended to differ for the six legal structures. Observed and expected frequencies are shown in Table 17. Chi square analysis of the data in Table 17 yielded a value of 16.99, which, with ten degrees of freedom, exceeds the value of 15.99 required for significance at the ten per cent level. Again, the major sources of difference between observed and expected numbers are under "Higher Education," where fewer chief administrators than expected come from public school systems and more than expected come from four-year colleges, and under "Universities," where more than expected come from public school systems.

Table 17. Observed and Expected Numbers of Chief Administrators with Second Past Employment in Public School Systems, Two-Year Colleges, and Four-Year Colleges[a]

Legal Structure	Public Schools		2-Year Colleges		4-Year Colleges		Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
Higher Education	5	12.32	13	10.05	11	6.63	29
Universities	11	6.37	2	5.20	2	3.43	15
Sep. Bd.--L.C.	7	7.22	8	5.89	2	3.89	17
Sep. Bd.--N.L.C.	6	6.37	6	5.20	3	3.43	15
St. Bd. Ed.--Tr.	15	14.44	12	11.78	7	7.78	34
Local Sch. Bds.	21	18.27	12	14.90	10	9.84	43
Total	65		53		35		153

[a] Differences significant at the 0.10 level.

To determine the types of recent work experience chief administrators bring to their office, a tabulation of job classifications for two immediate past positions in public school systems, two-year colleges, or four-year colleges was made. These data are presented in Table 18. Analysis of the data revealed that the majority of those coming from public school systems have had experience as superintendent, assistant superintendent, or principal. The majority of those coming from two-year colleges have had experience as dean of the college, dean of instruction, president, or vice president, or experience in third-level administrative positions such as dean or director of various programs. From the four-year colleges come deans of schools or colleges, faculty members, and personnel from lower level administrative positions, in that order.

Academic Qualifications of Chief Administrators

To determine whether differences in extent and type of academic qualifications of chief administrators existed among legal structures, each chief administrator was asked to indicate, for each earned degree, the degree designation, major field of course work, and institution and state from which the degree was earned. The following paragraphs contain the findings resulting from analysis of these data.

Of 171 chief administrators, it was found that a bachelor's degree was the highest degree held by only one, and a further check of the data showed that the institution directed by this administrator offered only occupational programs although it was designated a community college. Of the remaining 170 chief administrators, 54 (31.76 per cent) held the master's degree, whereas 116 (68.24 per cent) held the earned doctorate.

Several chief administrators indicated much work beyond the master's degree toward the doctorate, but since provisions had been made on the questionnaire for completed and earned degrees only, these data were not included. Further, several references were made to the attainment of the Education Specialist degree which is usually recognized as a year beyond the master's degree. These degrees were also excluded because provisions had not been made for their inclusion.

To determine whether significant differences existed among the proportions of chief administrators within the various legal structures holding only a master's degree and those holding a doctor's degree, a chi square analysis was performed. The numbers of observed and expected doctor's degrees and master's degrees within each of the six legal structures are reported in Table 19. The calculated value of chi square obtained from this array was 25.37, which, with 5 degrees of freedom, exceeds the 23.21 value required for significance at the 0.10 per cent level--

Table 18. Numbers and Classifications of Immediate and Second Past Positions of Chief Administrators Coming from Public School Systems, Two-Year Colleges, and Four-Year Colleges

Public Schools			Two-Year Colleges			Four-Year Colleges		
Classification	1st Past	2nd Past	Classification	1st Past	2nd Past	Classification	1st Past	2nd Past
Superintendent	9	17	Dean of Instruction	38	18	Professor/Instructor	6	16
Asst. Superintendent	7	5	President	12	4	Dean, College or Sch.	9	0
Principal	6	22	Vice President	9	0	Associate Dean	0	6
Teacher	5	11	Dir., Evening Programs	4	5	Dean of Men	4	0
Director, Curriculum	2	1	Dean, Student Person.	4	9	Director, Ext. Center	3	1
Director, Voc. Ed.	2	0	Dean, Tech-Voc. Prog.	4	1	Admissions/Registrar	3	0
Director, Adult Ed.	1	1	Professor/Instructor	4	6	Research	3	1
Director, Music	1	1	Administrative Asst.	3	1	Dept./Div. Chairman	2	4
Director, Guidance	1	2	Dean, Research	2	0	Dir., Student Teaching	1	1
Asst. Principal	1	2	Dean, Branch Campus	2	1	President	1	1
Coordinator Ind. Ed.	0	1	Dept. Chairman	2	4	Vice President	1	1
Department Head	0	1	Registrar	2	3	Asst. to President	1	0
Supervisor Coop. Train.	0	1	Coordinator, Basic St.	0	1	Director, Education	1	0
						Business Manager	0	1
						Librarian	0	1
						Director, War Training	0	1
						Graduate Assistant	0	1
Total	35	65		86	53		35	35

Table 19. Observed and Expected Numbers of Chief Administrators with Either a Doctorate or Master's Degree as the Highest Degree Held[a]

Legal Structure	Doctorate		Master's		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	28	21.15	3	9.85	31
Universities	7	12.28	11	5.72	18
Sep. Bd.--L.C.	10	14.33	11	6.67	21
Sep. Bd.--N.L.C.	7	10.92	9	5.08	16
St. Bd. Ed.--Tr.	30	25.93	8	12.07	38
Local Sch. Bds.	34	31.39	12	14.61	46
Total	116		54		170
Per Cent of Total	68.24		31.76		100

[a] Differences significant at the 0.001 level.

a highly significant difference. Analysis of the data in the table indicated that the major deviations from the expected occur in the categories "Higher Education," where a much larger number than expected hold a doctorate and fewer than expected hold a master's degree; "Universities," where fewer than expected hold a doctorate and more than expected hold a master's degree; and "Separate Board--No Local Control," where fewer than expected hold a doctorate and more than expected hold a master's degree. The other categories, while differing somewhat from the expected, do not account for an appreciable amount of the difference.

To determine whether the type of degree held at each degree level (i.e., bachelor's, master's, or doctor's) differed among legal structures, a tabulation of the different types of bachelor's degrees, master's degrees, and doctor's degrees was made. The tabulation showed that more than 93 per cent of all bachelor's degrees were Bachelor of Arts, Bachelor of Science, or Bachelor of

Education degrees; more than 96 per cent of all master's degrees were Master of Arts, Master of Science, or Master of Education degrees; and more than 98 per cent of all doctorates were either Doctor of Education or Doctor of Philosophy degrees. A chi square analysis was performed at each degree level to determine whether significant differences in the distribution of types of degrees existed among legal structures. To maximize the distinction between specific degrees, all degrees other than those enumerated above were excluded from the analysis. The distribution of bachelor's degrees among the various legal structures is presented in Table 20, the distribution of master's degrees in Table 21, and the distribution of doctorates in Table 22.

Table 20. Observed and Expected Distributions of Bachelor's Degrees

Legal Structure	B.A.		B.S.		B.Ed.		Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
Higher Education	15	10.27	9	12.95	1	1.79	25
Universities	9	9.45	11	11.91	3	1.64	23
Sep. Bd.--L.C.	10	8.63	11	10.88	0	1.50	21
Sep. Bd.--N.L.C.	0	6.98	6	8.80	2	1.21	17
St. Bd. Ed.--Tr.	14	15.20	20	19.16	3	2.64	37
Local Sch. Bds.	12	18.48	30	23.30	3	3.21	45
Total	69		87		12		168
Per Cent of Total	38.33		48.33		6.67		93.33[b]

[a] Differences not statistically significant.

[b] Other bachelor's degrees 6.67 per cent.

Chi square analysis of the data in Table 20 and Table 21 yielded values of 13.00 and 13.86, respectively. With ten degrees of freedom in each

table, neither value exceeds the 15.99 required for significance at the ten per cent level. The chi square value for Table 22 is 9.91, which, with five degrees of freedom, exceeds the 9.24 value required for significance at the ten per cent level. The major differences in the distribution of Doctor of Education and Doctor of Philosophy degrees are in the legal structure "Higher Education," where fewer than expected hold the Doctor of Education degree and more than expected hold the Doctor of Philosophy and in the legal structures "Separate Board--No Local Control" and "Local School Boards," where more hold the Doctor of Education degree and fewer hold the Doctor of Philosophy degree than expected.

Table 21. Observed and Expected Distributions of Master's Degrees Held by Chief Administrators[a]

Legal Structure	M.A.		M.S.		M.Ed.		Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
Higher Education	16	11.96	6	7.01	5	8.03	27
Universities	4	7.97	8	4.67	6	5.35	18
Sep. Bd.--L.C.	10	9.30	6	5.45	5	6.25	21
Sep. Bd.--N.L.C.	10	6.20	1	3.63	3	4.16	14
St. Bd. Ed--Tr.	12	15.06	9	8.82	13	10.11	34
Local Sch. Bds.	18	19.49	11	11.42	15	13.09	44
Total	70		41		47		158
Per Cent of Total	42.68		25.00		28.66		96.34[b]

[a] Differences not statistically significant.

[b] Other master's degrees 3.66 per cent.

Table 22. Observed and Expected Distributions of Doctor's Degrees Held by Chief Administrators[a]

Legal Structure	Ed.D.		Ph.D.		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	16	19.89	11	7.11	27
Universities	5	5.16	2	1.84	7
Sep. Bd.--L.C.	8	6.63	1	2.37	9
Sep. Bd.--N.L.C.	3	5.16	4	1.84	7
St. Bd. Ed.--Tr.	23	22.11	7	7.89	30
Local Sch. Bds.	29	25.05	5	8.95	34
Total	84		30		114
Per Cent Of Total	72.41		25.86		98.27[b]

[a] Differences significant at the 0.10 level.

[b] Other doctorates 1.73 per cent.

To provide more specific information on the academic backgrounds of chief administrators, a tabulation of fields of major course work at the bachelor's, master's, and doctor's degree levels was made. The initial intent was to classify on the basis of both major field of work and legal structure to determine whether there was a significant tendency for particular fields of academic specialization to be more representative of one legal structure than another, but the numerous fields of specialization precluded an adequate frequency in many of the data cells. Because of this inadequate frequency, analysis of the data is limited to a categorization of subject matter fields at the bachelor's, master's, and doctor's degree levels and an indication of the per cent of total degrees at a particular level accounted for by one category. These data are presented in Table 23. At the bachelor's degree level, history is the largest area of specialization, accounting for 17.5 per cent of the degrees. History is followed by the biological and physical sciences (consisting of such fields as chemistry, physics, botany, and biology), 16.2 per cent; mathematics, 9.7 per cent; social

sciences and humanities, 9.1 per cent; and engineering, 8.4 per cent. Other fields account for less than seven per cent each. At the master's degree level, educational administration and supervision accounts for 43.3 per cent of all degrees and is followed by education, 13.3 per cent, and history, 8.0 per cent. Other fields account for less than five per cent each.

Table 23. Fields of Academic Specialization of Chief Administrators at the Bachelor's, Master's, and Doctor's Degree Level

Field of Specialization	Bachelor's		Master's		Doctorate		Total
	No.	Pct.	No.	Pct.	No.	Pct.	
Ed. Adm. & Supv.	0	0.0	65	43.3	43	37.7	108
History	27	17.5	12	8.0	2	1.8	41
Education	8	5.2	20	13.3	12	10.5	40
Phy. & Bio. Sciences	25	16.2	7	4.7	0	0.0	32
Mathematics	15	9.7	3	2.0	1	0.9	19
English-Speech	9	5.8	7	4.7	1	0.9	17
Engineering	13	8.4	3	2.0	0	0.0	16
Soc. Sci.-Humanities	14	9.1	1	0.7	1	0.9	16
Bus. & Economics	10	6.5	3	2.0	2	1.8	15
Adm. of Higher Ed.	0	0.0	2	1.3	12	10.5	14
Psychology	3	1.9	7	4.7	3	2.5	13
Guidance	0	0.0	6	4.0	4	3.5	10
2-Yr. College Adm.	0	0.0	0	0.0	10	8.8	10
Agriculture	6	3.9	0	0.0	2	1.8	8
Higher Education	0	0.0	0	0.0	7	6.1	7
Tech. & Voc. Ed.	6	3.9	0	0.0	0	0.0	6
Cur. & Instruction	0	0.0	1	0.7	4	3.5	5
Fine Arts	4	2.6	1	0.7	0	0.0	5
Adm. Tech.& Voc. Ed.	0	0.0	5	3.2	0	0.0	5
Health & Phy. Ed.	4	2.6	1	0.7	0	0.0	5
Secondary Education	0	0.0	3	2.0	2	1.8	5
Political Science	3	1.9	1	0.7	0	0.0	4
Industrial Arts	2	1.4	0	0.0	0	0.0	2
Other	5	3.2	2	1.3	8	7.0	10
Total	154	100.0	150	100.0	114	100.0	413

The various fields of educational specialization combined account for 103 of 150 degrees, which amounts to 68.70 per cent of all master's

degrees. At the doctoral level, educational administration and supervision again leads, accounting for 37.7 per cent of all doctor's degrees, followed by education and administration of higher education, 10.5 per cent each; junior or community college administration, 8.8 per cent; and higher education, 6.1 per cent. Other fields account for less than five per cent each. Of the 114 doctoral degrees, 94 (82.5 per cent) are in some field of education, indicating that the earlier distinction made between Doctor of Education and Doctor of Philosophy degrees (73.7 and 26.3 per cent, respectively) tends to break down when the degrees are reclassified on the basis of field of major work.

Finally, to determine whether the mobility of chief administrators tends to differ among legal structures, a comparison was made between those employed in the state in which the highest degree held was earned and those employed outside the state in which the highest degree held was earned. These data are presented in Table 24. The calculated value of chi square for the data is 5.44, which, with five degrees of freedom, is not statistically significant. The data do indicate, however, that chief administrators as a group are highly mobile in that more than 53 per cent are employed in states other than the ones in which they earned their highest degree.

Table 24. Observed and Expected Numbers of Chief Administrators Employed In and Out of State in Which Highest Degree Was Earned[a]

Legal Structure	In State		Out of State		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	16	14.50	15	16.50	31
Universities	5	8.89	14	10.11	19
Sep. Bd.--L.C.	11	9.82	10	11.18	21
Sep. Bd.--N.L.C.	6	7.49	10	8.51	16
St. Bd. Ed.--Tr.	17	17.78	21	20.22	38
Local Sch. Bds.	25	21.52	21	24.48	46
Total	80		91		171

[a] Differences not significant.

Deans of Instruction

In most two-year colleges there is one individual who is responsible for the administration of all instructional programs. In very large two-year colleges this person may be designated vice president for academic affairs, but ordinarily he has the title of dean of instruction or dean of the college. In very small institutions the duties of this position may be assumed by the chief administrator. Since the dean of instruction bears the responsibility for all instructional programs, and since, in a comprehensive two-year college, program offerings run the gamut from literacy training, adult education, and technical and vocational programs to an array of academic programs, it seems essential that the person filling this position have a high degree of academic attainment, broad experience, and a deep understanding of and commitment to the concept of the comprehensive two-year college. Since understanding and commitment are subjective qualities and very difficult to assess, this study was limited to an assessment of the various facets of academic attainment, past experience, age, and tenure of the individuals who fill such positions to determine if differences among legal structures exist.

The first significant difference among legal structures concerning the dean of instruction was in the presence or absence of the position itself. The tabulation of the observed and expected number of institutions under each legal structure having or not having such a position is shown in Table 25. The calculated value of chi square for the array is 45.37, which, with five degrees of freedom, far exceeds the value of 20.52 required for significance at the 0.10 per cent level. The major deviation from the expected occurs under "Universities," where substantially fewer institutions than expected have a position for dean of instruction. A somewhat smaller proportion of the difference occurs under "Higher Education," "State Board of Education--Trustees," and "Local School Boards," where each category has more positions than expected. Of the 171 institutions in the sample, 144 (84.40 per cent) have a separate position for dean of instruc-

Table 25. Observed and Expected Numbers of Institutions Having and Not Having a Separate Position for Dean of Instruction[a]

Legal Structure	Separate Position		No Separate Position		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	30	26.12	1	4.89	31
Universities	7	16.84	13	3.16	20
Sep. Bd.--L.C.	17	17.68	4	3.32	21
Sep. Bd.--N.L.C.	12	12.63	3	2.37	15
St. Bd. Ed.--Tr.	37	32.84	2	6.16	39
Local Sch. Bds.	41	37.89	4	7.10	45
Total	144		27		171
Per Cent Of Total	84.40		15.60		100

[a] Differences significant at the 0.001 level.

Age and Tenure of Deans of Instruction

Means for age and tenure of deans of instruction under each legal structure are shown in Table 26. The mean age for all deans of instruction is 44.52 years, and the range of means is from 36.57 years for "Universities" to 46.24 for "Higher Education." Analysis of variance yielded an F-ratio of 2.72, indicating that the difference among mean ages is significant at the five per cent level. Worthy of note is the fact that mean ages under "Universities" deviate most from the overall mean, and both the lowest and highest means occur under the two legal structures which form a part of higher education. The calculated F-ratio for differences in mean tenure is 0.86, which is not statistically significant.

Table 26. Mean Ages and Mean Tenures of Deans of Instruction (Age and Tenure in Years)

Legal Structure	Age[a]		Tenure[b]	
	Number	Mean	Number	Mean
Higher Education	29	42.24	30	3.33
Universities	7	36.57	7	1.71
Sep. Bd.--L.C.	16	42.13	17	3.00
Sep. Bd.--N.L.C.	12	44.83	12	2.50
St. Bd. Ed.--Tr.	34	44.29	35	2.77
Local Sch. Bds.	32	46.03	33	3.94
Total/Mean	130	44.52	134	3.13

[a] Differences significant at the 0.05 level.

[b] Differences not significant.

Sources, Experiences, and Prior Tenure for Deans of Instruction

As was the case for chief administrators, the three major sources of persons employed as deans of instruction were public school systems, two-year colleges, and four-year colleges. Of the 133 deans of instruction on which data were available, immediate past employment of 64 (48.18 per cent) was in two-year colleges; 37 (27.82 per cent) in four-year colleges; and 17 (12.78 per cent) in public school systems, accounting for 88.72 per cent of the total. Additionally, three each came from state and federal governments, three from graduate school, two from technical institutes, and one each from business and industry, the ministry, a governor's office, and an education association, accounting for the remaining 11.28 per cent. Other than the three primary sources, the data cells contain small or zero frequencies and were omitted from subsequent analysis.

The three primary sources of deans of instruction were subjected to a chi square analysis among legal structures, yielding a value of

12.37, which, with ten degrees of freedom, is not significant at the ten per cent level. Observed and expected frequencies for these data are shown in Table 27.

Table 27. Observed and Expected Numbers of Deans of Instruction Coming from Public School Systems, Two-Year Colleges, and Four-Year Colleges[a]

Legal Structure	Public Schools		2-Yr. Colleges		4-Year Colleges		Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
Higher Education	2	3.74	12	14.10	12	8.15	26
Universities	0	0.72	4	2.71	1	1.57	5
Sep. Bd.--L.C.	2	2.31	12	8.68	2	5.02	16
Sep. Bd.--N.L.C.	2	1.58	6	5.97	3	3.45	11
St. Bd. Ed.--Tr.	4	4.47	14	16.81	13	9.72	31
Local Sch. Bds.	7	4.18	16	15.73	6	9.09	29
Total	17		64		37		118
Per cent of Total	12.78		48.12		27.82		88.72[b]

[a] Differences not significant.

[b] Other sources 11.28 per cent.

Data on second past positions were available on 131 deans of instruction. As was the case for chief administrators, in going from immediate past position to second past position the proportion of deans of instruction coming from public school systems increased substantially, from 12.78 to 31.30 per cent; the proportion coming from two-year colleges decreased, from 48.12 to 28.24 per cent; and the proportion coming from four-year colleges changed only slightly, from 27.83 to 24.43 per cent. These three sources combined account for 83.97 per cent of all deans of instruction. Additionally, 5 (3.82 per cent) came from business or industry, and 4 (3.05 per cent)

from the federal government. Twelve came from miscellaneous sources. These data are not presented in tabular form; the calculated value of chi square for the differences in frequencies among legal structures attributable to the three primary sources was 10.65, indicating a lack of statistical significance at the ten per cent level.

A tabulation of job classifications for immediate and second past positions for deans of instruction coming from public school systems, two-year colleges, and four-year colleges was made to determine the types of experience these individuals bring to their jobs. These data are presented in Table 28. The data show that for the sum of the two previous positions, the most frequently held position from each of the three sources was that of classroom teacher, accounting for 13, 22, and 35 positions in public school systems, two-year colleges, and four-year colleges, respectively. For the public school system positions, the others most frequently occurring were principal, superintendent, assistant principal, counselor, assistant superintendent, director of guidance, and department chairman, with all other classifications accounting for no more than one position each. For two-year colleges, other most frequently held positions were department chairman, dean of student personnel services, dean, assistant dean, president, business manager, registrar, director of adult education, and director of evening programs, with other positions occurring only once.

The small frequency of occurrence of positions across legal structures precluded statistical analysis of these data.

Academic Qualifications of Deans of Instruction

Of the 133 deans of instruction providing data on their academic backgrounds, the bachelor's degree was the highest earned degree of only one individual. The master's degree was the highest earned degree for 60 (45.11 per cent) of the deans, and 72 (54.14 per cent) held the earned doctorate. Various stages of preparation beyond the master's degree were indicated by several respondents, but the analysis was limited to earned degrees. Observed and expected distributions of master's and doctor's degrees as the highest degree held are shown in Table 29. Chi square analysis yielded a value of 7.82, which, with five degrees of freedom, is not significant at the ten per cent level.

Analysis of the different types of degrees held at the bachelor's, master's, and doctor's degree levels was made to determine whether significant differences among the legal structures existed. At the bachelor's degree level, the Bachelor of Arts, Bachelor of Science, and Bachelor of Education degrees accounted for 127 (95.49 per cent) of the 133 degrees. Of the six remaining, three were Bachelor of Engineering; others accounted for no more than one each. The three most frequently held degrees were subjected to a chi square analysis which yielded a value of 19.32, which, with ten

Table 28. Numbers and Classifications of Immediate and Second Past Positions of Deans of Instruction Coming from Public School Systems, Two-Year Colleges, and Four-Year Colleges

Public Schools			Two-Year Colleges			Four-Year Colleges		
Classification	1st Past	2nd Past	Classification	1st Past	2nd Past	Classification	1st Past	2nd Past
Teacher	3	10	Professor/Instructor	11	11	Professor/Instructor	17	18
Principal	5	6	Department Chairman	10	5	Asst. Dean	5	0
Superintendent	3	6	Dean, Student Pers.	7	6	Dean	3	2
Asst. Principal	1	6	Dean of Instruction	9	3	Graduate Asst.	2	3
Counselor	1	4	Asst. Dean	6	1	Dept. Chairman	3	1
Asst. Superintendent	3	0	President	3	2	Vice President	1	2
Department Head	0	2	Business Manager	2	2	Administrative Asst.	1	1
Director, Guidance	0	2	Dir., Adult Education	1	2	Director, Ext. Ctr.	2	0
Coach	0	1	Registrar	3	1	Asst. Dir. Ext.	1	0
Director, Pupil Serv.	0	1	Dean, Academic Program	2	0	Director, Research	1	0
Director, Ind. Ed.	0	1	Dir., Evening Program	1	1	Research Associate	1	0
Dir., Secondary Ed.	1	0	Administrative Asst.	1	0	Business Manager	0	1
Dir., Special Ed.	0	1	Dir., Internal Serv.	1	0	Asst. Dir., Guidance	0	1
School Psychologist	0	1	Dean, Tech-Voc. Prog.	1	0	Dir., Mgt. Systems	0	1
			Campus Dean	1	0	Magazine Editor	0	1
			Coach	1	0	Unknown	0	1
			Scholarship L. Officer	0	1			
			Vice President	0	1			
			Counselor	0	1			
			Dean, Continuing Ed.	1	0			
			Unknown	3	0			
Total	17	41		64	37		37	32

Table 29. Observed and Expected Numbers of Deans of Instruction with Either a Doctor's or Master's Degree as the Highest Degree Held[a]

Legal Structure	Doctorate		Master's		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	18	16.36	12	13.64	30
Universities	1	4.36	7	3.64	8
Sep. Bd.--L.C.	8	9.28	9	7.73	17
Sep. Bd.--N.L.C.	5	6.00	6	5.00	11
St. Bd. Ed.--Tr.	21	18.55	13	15.45	34
Local Sch. Bds.	19	17.45	13	14.55	32
Total	72		60		132
Per Cent Of Total	54.14		45.11		99.25[b]

[a] Differences not significant.

[b] One held only a bachelor's degree.

degrees of freedom, is significant at the ten per cent level. These data are shown in Table 30. Since some of the data cells for expected frequency are very small--several being less than one--the calculated value of chi square is subject to being somewhat inflated and should be interpreted with caution since the major portion of the calculated value is derived from those cells with small frequencies. In fact, 11.47 of the 19.32 value stems from the legal structure "State Board of Education--Trustees," where six hold the Bachelor of Education degree and only 1.65 such degrees are expected.

At the master's degree level the Master of Arts, Master of Science, and Master of Education degrees accounted for 123 (93.89 per cent) of 131 degrees. Additionally, two were Master of Business Administration degrees, two Master of Philosophy, one Master of Business Education, one Master of Theology, one Master of Music, and one Master

Table 30. Observed and Expected Distributions of Bachelor's Degrees Held by Deans of Instruction

Legal Structure	B.A.		B.S.		B.Ed.		Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
Higher Education	17	14.13	9	10.65	0	1.23	26
Universities	4	3.80	3	2.87	0	0.33	7
Sep. Bd.--L.C.	9	9.24	8	6.96	0	0.80	17
Sep. Bd.--N.L.C.	4	5.98	7	4.50	0	0.52	11
St. Bd. Ed.--Tr.	17	19.01	12	14.33	6	1.65	35
Local Sch. Bds.	18	16.84	13	12.69	0	1.46	31
Total	69		52		6		127
Per Cent of Total	51.88		39.10		4.51		95.49[b]

[a] Difference significant at the 0.10 level.

[b] Other bachelor's degrees 5.51 per cent.

of Engineering. The observed and expected distributions of arts, science, and education degrees are shown in Table 31. The calculated value of chi square for this array is 10.93, which, with ten degrees of freedom, is less than the 15.99 required for significance at the ten per cent level.

At the doctoral level the Doctor of Education degree was held by 44 (66.11 per cent) and the Doctor of Philosophy degree was held by 25 (34.72 per cent). Two deans held the Doctor of Science degree and one held the Doctor of Theology degree. The observed and expected distributions of the Doctor of Education and Doctor of

Table 31. Observed and Expected Distributions of Master's Degrees Held by Deans of Instruction[a]

Legal Structure	M.A.		M.S.		M.Ed.		Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
Higher Education	19	16.38	5	5.46	4	6.15	28
Universities	5	4.10	1	1.37	1	1.54	7
Sep. Bd.--L.C.	9	9.95	5	3.32	3	3.73	17
Sep. Bd.--N.L.C.	10	6.44	0	2.15	1	2.41	11
St. Bd. Ed.--Tr.	16	18.15	6	6.05	9	6.80	31
Local Sch. Bds.	13	16.98	7	5.65	9	6.37	29
Total	72		24		27		123
Per Cent Of Total	54.96		18.32		20.61		93.89[b]

[a] Differences not significant.

[b] Other master's degrees 6.11 per cent.

Philosophy degrees are presented in Table 32. The chi square value of the data is 3.85, which, with five degrees of freedom, is considerably less than the 9.24 required for significance at the ten per cent level.

Analysis of fields of specialization at the bachelor's, master's, and doctor's degree levels for deans of instruction yielded a somewhat different distribution of degrees than was found for chief administrators. These data, presented in Table 33, show that at the bachelor's degree level the most frequently earned degree is in the physical and biological sciences, accounting for 17.4 per cent, followed by history, 15.7 per cent; English-Speech, 13.0 per cent; business and economics, 10.4 per cent; mathematics, 5.2 per cent; social sciences and humanities, 5.2 per cent; and fine arts and fine arts education, 5.2 per cent. Other bachelor's fields account for less than five per cent each of the total. At the master's degree level, educational

Table 32. Observed and Expected Distributions of Doctor's Degrees Held by Deans of Instruction[a]

Legal Structure	Ed.D.		Ph.D.		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	11	11.48	7	6.52	18
Universities	0	0.64	1	0.36	1
Sep. Bd.--L.C.	6	5.10	2	2.90	8
Sep. Bd.--N.L.C.	2	3.19	3	1.81	5
St. Bd. Ed.--Tr.	13	12.75	7	7.25	20
Local Sch. Bds.	12	10.84	5	6.16	17
Total	44		25		69
Per Cent of Total	61.11		34.72		95.83[b]

[a] Differences not significant.

[b] Other doctor's degrees 4.17 per cent.

administration and supervision was found to account for 18.7 per cent of the total, followed by history, 17.9 per cent; English-speech, 8.1 per cent; biological and physical sciences, 7.3 per cent; business and economics, 7.3 per cent; and psychology and educational psychology, 6.5 per cent. Other fields accounted for less than five per cent each. At the doctoral level educational administration and supervision was found to account for 29.2 per cent of all degrees, followed by higher education, 15.3 per cent; administration of higher education, 11.1 per cent; history, 9.7 per cent; and curriculum and instruction, 5.5 per cent. All other degrees accounted for less than five per cent each.

At the master's degree level, the various specialties in education account for approximately 43 per cent of all degrees. At the doctoral level this proportion increases to 72 per cent. At neither level does this take into account the subject matter

Table 33. Fields of Academic Specialization of Deans of Instruction at the Bachelor's, Master's, and Doctor's Degree level

Field of Specialization	Bachelor's		Master's		Doctorate		Total
	No.	Pct.	No.	Pct.	No.	Pct.	
History	18	15.7	22	17.9	7	9.7	47
Ed. Adm. & Supv.	1	0.9	23	18.7	21	29.2	45
Phy. & Bio. Sciences	20	17.4	9	7.3	3	4.2	32
English-Speech	15	13.0	10	8.1	1	1.4	26
Bus. & Economics	12	10.4	9	7.3	0	0.0	21
Education	4	3.5	6	4.9	2	2.8	12
Psychology & Ed. Psy.	2	1.7	8	6.5	2	2.8	12
Higher Education	0	0.0	1	0.8	11	15.3	12
Soc. Sci.-Humanities	6	5.2	4	3.3	1	1.4	11
Fine Arts	6	5.2	4	3.3	1	1.4	11
Mathematics	6	5.2	4	3.3	0	0.0	10
Adm. of Higher Ed.	0	0.0	0	0.0	8	11.1	8
Political Science	4	3.5	3	2.3	1	1.4	8
Engineering	3	2.7	1	0.8	1	1.4	5
Cur. & Instruction	0	0.0	1	0.8	4	5.5	5
Health & Phy. Ed.	4	3.5	1	0.8	0	0.0	5
Secondary Education	1	0.9	4	3.3	0	0.0	5
Guidance	0	0.0	4	3.3	0	0.0	4
Agriculture	2	1.7	0	0.0	1	1.4	3
2-Yr. College Adm.	0	0.0	0	0.0	3	4.2	3
Tech. & Voc. Ed.	2	1.7	0	0.0	0	0.0	2
Industrial Arts	2	1.7	0	0.0	0	0.0	2
Adm. Tech.& Voc. Ed.	0	0.0	1	0.8	0	0.0	1
Other	7	6.1	8	6.5	5	6.8	20
Total	115	100.0	123	100.0	72	100.0	310

specialties which most often are, in fact, preparation for teaching.

Finally, to determine whether differences in mobility of deans of instruction existed among legal structures, an analysis was made of the number of deans employed in and out of the state in which the highest degree held was earned. The observed and expected frequencies for these data are presented in Table 34. The calculated value of chi square is 7.65, which, with five degrees of freedom, is not significant at the ten per cent level. Worthy

of note, however, is the fact that deans of instruction are, as were chief administrators found to be, highly mobile. Of the 125 deans represented in the table, 57.60 are employed outside the state in which they earned their highest degree.

Table 34. Observed and Expected Numbers of Deans of Instruction Employed In and Out of State in Which Highest Degree Was Earned[a]

Legal Structure	In State		Out of State		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	14	10.60	11	14.40	25
Universities	1	2.97	6	4.03	7
Sep. Bd.--L.C.	7	7.21	10	9.79	17
Sep. Bd.--N.L.C.	5	4.66	6	6.34	11
St. Bd. Ed.--Tr.	10	14.42	24	19.58	34
Local Sch. Bds.	16	13.14	15	17.86	31
Total	53		72		125
Per Cent of Total	42.40		57.60		100

[a] Differences not significant.

Academic Faculty

The variables selected for the determination of possible differences in academic faculties among legal structures were sources of academic faculty; proportions of faculty members with a doctorate, master's degree, or bachelor's degree as highest degree held; proportions of department heads with a doctorate, master's degree, or bachelor's degree as the highest degree held; the presence or absence of state certification requirements or other academic or degree requirements; the presence of tenure and the length of the term

of employment prerequisite to tenure; and the presence or absence of faculty rank and the proportion of the faculty holding various ranks.

Sources of Academic Faculty

Usable data on sources of academic faculty were received from 149 institutions. Two were removed from the analysis because they operated no college transfer program.

Academic faculty in the two-year colleges in the study were found to come primarily from nine sources: (1) public schools; (2) other two-year college faculties; (3) four-year college faculties; (4) graduate schools (upon the completion of a graduate degree); (5) business and industry; (6) federal, state, or local government; (7) the military; (8) hospitals and schools of nursing; and (9) the ministry. Small numbers of faculty members came from several other sources such as retirement, homemaking (housewives), private schools, self-employment, undergraduate schools, and private nonprofit organizations. Faculty recruited from these sources are categorized as miscellaneous. The total number of faculty members secured from the nine primary sources and the miscellaneous sources are enumerated by legal structure in Table 35. Five sources account for over 95 per cent of the total number of academic faculty: public schools, 41.56 per cent; graduate schools, 19.50 per cent; four-year colleges, 16.71 per cent; two-year colleges, 10.27 per cent; and business and industry, 7.34 per cent.

To determine the significance of the differences in numbers of faculty members recruited from the various sources under different legal structures, a chi square analysis was performed. To maximize the true distinction between public schools, graduate schools, four-year colleges, two-year colleges, and business and industry, other sources of faculty were excluded from the analysis. The observed and expected numbers of faculty members in these categories under the six legal structures are presented in Table 36.

The calculated value of chi square for Table 36 is an astounding 489.93. With 20 degrees of freedom, a value of 45.32 is significant at the 0.10 per cent level. Major deviations from the expected occur in "Higher Education," where fewer faculty members than expected are obtained from public schools and more than expected are obtained from four-year colleges, and "Separate Board--Local Control," where many more faculty members than expected are obtained from public schools and fewer than expected from other sources. Some deviations also occur under "State Board of Education--Trustees," where somewhat fewer than expected are obtained from public schools and somewhat more than expected are obtained from other two-year colleges. Although other deviations from the expected are small by comparison, several other differences are substantial enough to cause significant differences in the aggregate.

Table 35. Numbers of Academic Faculty Secured from Nine Primary Sources[a]

Source of Employment	Legal Structure						Total	Per Cent of Total
	Higher Education	Univer-sities	Sep. Bd. --L.C.	Sep. Bd. --N.L.C.	St. Bd. Ed.--Tr.	Local Sch. Bds.		
Public Schools	526	81	801	232	420	896	2,956	41.56
Graduate Schools	380	63	172	120	297	354	1,386	19.50
4-Year Colleges	403	40	132	129	201	283	1,188	16.71
2-Year Colleges	143	20	91	80	219	177	730	10.27
Business-Industry	157	24	81	45	138	77	522	7.34
Government	44	2	1	5	7	10	69	0.97
Military	4	0	0	1	3	39	47	0.66
Hospitals	22	0	1	12	3	0	38	0.54
Ministry	4	4	3	0	4	3	18	0.25
Miscellaneous	48	2	16	23	22	45	156	2.20
Total	1,731	236	1,298	647	1,314	1,884	7,110	100
Per Cent Of Total	24.34	3.32	18.26	9.10	18.48	26.50	100	

[a] Differences significant at the 0.001 level.

Table 36. Observed and Expected Numbers of Academic Faculty Secured from the Five Primary Sources[a]

Legal Structure	Public Schools		2-Yr. Colleges		4-Yr. Colleges		Grad. Schools		Bus.-Ind.		Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
Higher Education	526	701	143	173	403	282	380	329	157	124	1,609
Universities	81	99	20	25	40	40	63	47	24	18	228
Sep. Bd.--L.C.	801	557	91	137	132	224	172	261	81	98	1,277
Sep. Bd.--N.L.C.	232	264	80	65	129	106	120	124	45	47	606
St. Bd. Ed.--Tr.	420	556	219	137	201	223	297	261	138	98	1,275
Local Sch. Bds.	896	779	177	192	283	313	354	365	77	138	1,787
Total	2,956		730		1,188		1,386		522		6,782

[a] Differences significant at the 0.001 level.

Faculty Qualifications

For members of the academic faculty in two-year colleges, the most important qualification is academic attainment, which is usually measured by the number and/or level of academic degrees held. To determine whether the proportion of faculty members holding doctor's degrees, master's degrees, bachelor's degrees, or an academic attainment less than a bachelor's degree differed significantly among legal structures, the questionnaire requested from each institution the total number of faculty members holding each of the above degrees as the highest degree held. The tabulated data on degrees held by academic faculty members, including observed and expected numbers in each category and per cent of the total faculty in each category, are contained in Table 37. For the responding institutions, 6.89 per cent of the faculty members hold an earned doctorate, 84.34 per cent hold a master's degree, 8.08 per cent hold only a bachelor's degree, and 0.69 per cent have less than a bachelor's degree.

For the differences in proportions holding the different degrees among the various legal structures, the chi square analysis yielded a value of 88.58, which, with fifteen degrees of freedom, far exceeds the value of 37.70 required for significance at the 0.10 per cent level. Accounting for much of the deviation from the expected are the legal structures "Higher Education," where many more faculty members than expected hold a doctorate, fewer a master's degree, and more the bachelor's degree' "Separate Board--No Local Control," where fewer than expected have a doctorate and more than expected have a bachelor's degree; "State Board of Education--Trustees," where several more than expected hold less than a bachelor's degree' and "Local School Boards," where fewer than expected hold a bachelor's degree or less than a bachelor's degree.

To determine whether the distribution of degrees among the various legal structures followed the same pattern for department heads as for the total academic faculty, the highest degree held by department heads was subjected to a chi square analysis. These data are shown in Table 38. The category "Less than a Bachelor's Degree" was excluded from the analysis when it was determined that only four of 994 department heads held less than a bachelor's degree. In Table 38 it can be seen that the proportions of department heads holding various degrees as the highest degree are: doctorate, 17.27 per cent; master's degree, 79.70 per cent; and bachelor's degree, 3.03 per cent. The calculated value of chi square for the array is 56.90, which, with ten degrees of freedom, is far beyond the 29.59 value required for significance at the 0.10 per cent level. Major discrepancies between observed and expected numbers occur under "Higher Education," where more department heads than expected hold a doctorate and fewer a master's degree, "Universities," where fewer department heads

Table 37. Observed and Expected Numbers of Academic Faculty Holding Various Academic Degrees[a]

Legal Structure	Number of Inst.	Doctorate		Master's		Bachelor's		Less Than Bachelor's		Total	Per Cent of Total
		Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.		
Higher Education	30	219	164.19	1,918	2,010.58	237	192.72	10	16.50	2,384	27.97
Universities	14	19	16.53	209	202.41	9	19.40	3	1.66	240	2.82
Sep. Bd.--L.C.	20	84	92.43	1,141	1,131.80	104	108.49	13	9.29	1,342	15.75
Sep. Bd.--N.L.C.	15	17	38.16	473	467.22	59	44.79	5	3.84	554	6.50
St. Bd. Ed.--Tr.	38	92	104.34	1,293	1,277.70	109	122.47	21	10.49	1,515	17.76
Local Sch. Bds.	45	156	171.35	2,154	2,098.29	171	201.13	7	17.22	2,488	29.19
Total	162	587		7,188		689		59		8,523	100
Per Cent of Total		6.89		84.34		8.08		0.69		100	

[a] Differences significant at the 0.001 level.

Table 38. Observed and Expected Numbers of Department Heads Holding a Doctor's, Master's, or Bachelor's Degree as the Highest Degree Held[a]

Legal Structure	Doctorate		Master's		Bachelor's		Total	Per Cent of Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.		
Higher Education	67	37.48	145	172.94	5	6.58	217	21.92
Universities	4	8.12	43	37.46	0	1.42	47	4.74
Sep. Bd.--L.C.	21	33.51	164	154.60	9	5.88	194	19.60
Sep. Bd.--N.L.C.	6	12.26	58	56.58	7	2.15	71	7.17
St. Bd. Ed.--Tr.	30	35.58	171	164.18	5	6.24	206	20.81
Local Sch. Bds.	43	44.05	208	203.23	4	7.73	255	25.76
Total	171		789		30		990	100
Per Cent Of Total	17.27		79.70		3.03		100	

[a] Differences significant at the 0.001 level.

than expected have a doctorate, "Separate Board--Local Control," where fewer department heads than expected hold a doctorate, and "Separate Board--No Local Control," where fewer department heads than expected have a doctorate and a greater number than expected hold only a bachelor's degree.

Certification

Faculty certification by state government can be either overt by requiring a formally obtained certificate as a prerequisite to employment or de facto by establishing certain degree or course requirements for various salary grades or scales. Certification in public school systems is a common practice, but certification of four-year college and university faculties is rare. To determine the extent to which certification is required in two-year colleges and the extent to which the requirement might vary among legal structures, two questions were posed: Is state certification required of academic faculty?

If state certification is not required, does the state establish either minimum degree or course requirements for academic faculty? Tabulation of the data revealed that only four of 22 states require outright certification; an additional six states maintain either course or degree requirements. Data on the presence or absence of certification or course-degree requirements in terms of the number of states in each legal structure having such requirements are found in Table 39. Data in Table 39 are so few in

Table 39. Number of States Having Either Certification, Course-Degree, or No State Requirements for Academic Faculty

Legal Structure	Certification Requirements	Course-Degree Requirements	No State Requirements	Total
Higher Education	0	1	3	4
Universities	0	1	3	4
Sep. Bd.--L.C.	1	0	2	3
Sep. Bd.--N.L.C.	0	2	0	2
St. Bd. Ed.--Tr.	1	2	1	4
Local Sch. Bds.	2	0	3	5
Total	4	6	12	22
Per Cent of Total	18.20	27.15	54.65	100

number as to preclude statistical analysis, but certain tendencies are evident. Three of the 11 states in the first three legal structures maintain either certification or degree requirements, whereas seven of 11 states under the last three legal structures have such requirements. Further, if the two legal structures having separate state boards were removed as being ambivalent, the distinction between the first two legal structures combined and the last two structures combined becomes even more apparent. Two states in the first group have certification or degree requirements, and six do not; in the last group, five states do, and four do not.

Tenure

Tenure for academic faculty members was found to be more susceptible to statistical analysis than was certification. Whereas certification is imposed on a state-wide basis, the presence or absence of tenure provisions was found to be in many instances an institutional prerogative. Of the 159 institutions responding to the question on tenure, 117 (73.58 per cent) provided tenure and 42 (26.42 per cent) did not. The number of institutions under each legal structure having tenure provisions, the number having no provisions, and the mean number of years required for eligibility for tenure are presented in Table 40. Chi square analysis of differences in observed and expected frequencies yielded a value of 38.42, which, with five degrees of freedom, exceeds the value of

Table 40. Observed and Expected Numbers of Two-Year Colleges Providing and Not Providing Tenure, and the Mean Number of Years Required for Tenure Eligibility[a]

Legal Structure	Number of Inst.	Providing		Not Providing		Mean Years Required[b]
		Obs.	Exp.	Obs.	Exp.	
Higher Education	31	29	22.81	2	8.19	3.62
Universities	16	15	11.77	1	4.23	4.82
Sep. Bd.--L.C.	20	7	14.72	13	5.28	3.00
Sep. Bd.--N.L.C.	16	16	11.77	0	4.23	3.82
St. Bd. Ed.--Tr.	34	18	25.02	16	8.98	3.56
Local Sch. Bds.	42	32	30.91	10	11.09	3.50
Total/Mean	159	117		42		3.69
Per Cent of Total	100	73.58		26.42		

[a] Differences significant at the 0.001 level.

[b] Based upon 97 institutions having a fixed-year requirement for tenure. Differences significant at the 0.05 level.

20.52 required for significance at the 0.10 per cent level. Major deviations from the expected occur under "Higher Education," Universities," and "Separate Board--No Local Control," where more institutions than expected provide tenure; and under "Separate Board--Local Control" and "State Board of Education--Trustees," where fewer institutions than expected provided tenure. Analysis of variance among the legal structures in terms of mean number of years required for tenure yielded an F-ratio of 2.59, which, with 5 and 91 degrees of freedom, exceeds the value of 2.33 required for significance at the 5 per cent level. On this basis the mean number of years required for tenure among the various legal structures does differ significantly. It must be pointed out here that only 97 of the 152 institutions gave a single time requirement for tenure. In some institutions time requirements for tenure varied with rank. Other institutions gave a range of years. The minimum time noted was two years, and the maximum was seven years.

Faculty Rank

The final variable upon which academic faculties were compared is faculty rank. This variable was analyzed in terms of both its presence or absence, and, where applicable, the percentage of the faculty holding the various ranks. Of the 161 institutions responding to the question of faculty rank, 73 (45.34 per cent) reported the use of faculty rank and 88 (54.66 per cent) responded negatively. The observed and expected frequencies of institutions among the legal structures using and not using faculty rank are presented in Table 41. The calculated value of chi square for the array is 59.87, which, with five degrees of freedom, far exceeds the value of 20.52 required for significance at the 0.10 per cent level. Five of the six legal structures differ markedly from the expected. "Higher Education" and "Universities" utilize faculty rank much more often than expected, whereas "Separate Board--Local Control," Separate Board--No Local Control," and "Local School Boards" utilize faculty rank less often than expected. The only legal structure approaching the expected is "State Board of Education--Trustees." Manipulation of the data in Table 41 shows that 93.10 per cent of institutions under "Higher Education" reported the use of faculty rank followed by "Universities," 87.50 per cent; "State Board of Education--Trustees," 44.44 per cent; "Separate Board--No Local Control," 25.00 per cent; "Local School Boards," 22.22 per cent' and "Separate Board--Local Control," 10.53 per cent.

To determine whether the percentages of faculty members holding various ranks differed among legal structures, the mean percentages of faculty holding the rank of professor, associate professor, assistant professor, or instructor were calculated for each legal structure. Seventy-one of the 73 institutions reporting the use of rank responded to the question on allocation of rank, but eight institutions representing an entire state in the legal structure "Universities" were removed from the calculation because that state

Table 41. Observed and Expected Numbers of Institutions Having and Not Having Faculty Rank[a]

Legal Structure	Having Rank		Not Having Rank		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	27	13.15	2	15.84	29
Universities	14	7.25	2	8.75	16
Sep. Bd.--L.C.	2	8.62	17	10.39	19
Sep. Bd.--N.L.C.	4	7.25	12	8.75	16
St. Bd. Ed.--Tr.	16	16.32	20	19.68	36
Local Sch. Bds.	10	20.41	35	24.59	45
Total	73		88		161
Per Cent of Total	45.34		54.66		100

[a] Differences significant at the 0.001 level.

used only ranks of "senior instructor" and "instructor," which were not compatible with the classification used in the study. The mean percentages of faculty holding the different ranks are presented in Table 42. With 5 and 57 degrees of freedom, an F-ratio must exceed 3.34 to be significant at the one per cent level or 2.37 to be significant at the 5 per cent level. On this basis, only the mean differences in the allocation of the rank of professor are significant.

Student Enrollment and Program Offerings

To determine whether differences among legal structures existed in terms of student enrollment in academic, technical, or vocational programs, each institution was asked to provide the total beginning enrollment in each of these programs for fall, 1967, and the number of students completing requirements for graduation from these programs during the 1967-68 school year. They were also asked to provide

Table 42. Mean Percentages of Academic Faculty Holding Different Ranks

Legal Structure	Number of Inst.	Faculty Rank			
		Professor[a]	Associate Professor[b]	Assistant Professor[b]	Instructor[b]
Higher Education	27	5.85	18.56	47.58	38.70
Universities	5	0.00	6.80	45.60	43.60
Sep. Bd.--L.C.	3	5.00	15.00	46.67	33.33
Sep. Bd.--N.L.C.	4	13.25	22.50	28.25	35.75
St. Bd. Ed.--Tr.	15	3.60	17.67	39.27	35.00
Local Sch. Bds.	9	7.44	20.67	36.78	34.33
Total/Mean	63	5.51	17.79	37.87	34.33
F-ratio		5.01	1.64	0.55	0.24

[a] Differences significant at the 0.01 level.

[b] Differences not significant.

data on tuition costs, entrance requirements, provisions for remedial instruction, and the presence or absence of community service and adult education programs.

Student Enrollment

Each institution in the study was asked to provide enrollment figures for the full-time equivalency of all day students entering the institution in the fall, 1967, and the number of students graduated during the 1967-68 academic year from academic, technical, and vocational programs. To determine whether differences existed among legal structures concerning the proportion of students enrolled in academic, technical, and vocational programs, the enrollment data were subjected to chi square analysis. Observed and expected beginning and graduating enrollments by legal structure for the three programs are shown in Table 43. The chi square value for

Table 43. Observed and Expected Distributions of Entering and Graduating Enrollments in Academic, Technical and Vocational Programs[a]

Legal Structure	No. of Inst.	Academic		Technical		Vocational		Total
		Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
		Entering Enrollment--Fall, 1967[a]						
Higher Education	30	30,848	35,560	18,807	12,194	1,305	3,207	50,961
Universities	16	6,157	4,968	645	1,703	317	448	7,119
Sep. Bd.--L.C.	18	21,234	19,503	5,918	6,668	797	1,759	27,949
Sep. Bd.--N.L.C.	14	7,620	7,221	1,200	2,476	1,528	651	10,348
St. Bd.Ed.--Tr.	34	17,132	20,792	9,014	7,130	3,651	1,875	29,797
Local Sch. Bds.	44	46,831	41,779	8,933	14,326	4,109	3,768	59,873
Total	156	129,823		44,517		11,707		186,047
		Graduating Enrollment--Academic Year 1967-68[a]						
Higher Education	27	4,887	5,750	3,615	2,151	615	1,207	9,117
Universities	12	1,170	871	142	325	66	182	1,378
Sep. Bd.--L.C.	18	3,055	2,802	921	1,046	459	578	4,435
Sep. Bd.--N.L.C.	15	3,341	2,603	363	972	416	545	4,120
St. Bd. Ed.-Tr.	31	1,735	6,368	1,541	2,378	1,260	1,344	10,080
Total	145	21,467		8,015		4,497		33,979

[a] Differences significant at the 0.001 level.

differences in observed and expected frequencies for entering enrollment is 14,445, and for graduating enrollment, 5,145, both of which are significant far beyond the 0.10 per cent level.[53] Deviations from the expected occur in each legal structure. Major portions of the chi square value are attributable to "Higher Education," where fewer academic and vocational students than expected enroll and more technical students enroll; "Universities," which is heavily academic; "Separate Board--Local Control," which is deficient in vocational enrollment; "Separate Board--No Local Control," which has only half the technical students and almost three times the vocational students expected; "State Board of Education--Trustees," which has less academic and technical and more vocational enrollment than expected; and "Local School Boards," which has an excess of academic and a deficiency of technical enrollment.

Since the enrollment figures used in Table 43 are so large as to make a comparison of enrollments among programs and legal structures difficult, enrollment data within each legal structure were reduced to percentages to facilitate comparison. For each legal structure the percentages of beginning enrollment in academic, technical, and vocational programs are presented in Table 44. Among the six legal

Table 44. Percentages of Beginning Student Enrollment in Academic, Technical, and Vocational Programs

Legal Structure	No. of Insts.	Academic Programs	Technical Programs	Vocational Programs	Per Cent of Total Enrollment
Higher Education	30	60.53	36.90	2.56	27.39
Universities	16	86.49	9.06	4.45	3.84
Sep. Bd.--L.C.	18	75.97	21.17	2.85	15.02
Sep. Bd.--N.L.C.	14	73.64	11.60	14.77	5.56
St. Bd. Ed.--Tr.	34	57.50	30.25	12.25	16.01
Local Sch. Bds.	44	78.22	14.92	6.86	32.18
Total	156	69.78	23.93	6.29	100

[53] According to George A. Ferguson, Statistical Analysis in Psychology and Education (New York, N.Y.: McGraw-Hill Book Co., 1966), p. 211, when frequencies in chi square analysis are increased (or are very large), the value of chi square will also increase if the differences are significant. When differences are not significant, increased frequencies do not increase the value of chi square.

structures, enrollment in academic programs accounted for from 57.50 to 86.49 per cent of total enrollment with a mean of 69.78 per cent. Technical enrollment accounted for from 9.06 to 36.90 per cent of total enrollment with a mean of 23.93 per cent. Vocational programs accounted for from 2.56 to 14.77 per cent of total enrollment with a mean of 6.29 per cent. Proportions of total enrollment by legal structure ranged from 3.84 per cent for two-year colleges under "Universities" to 32.18 per cent for two-year colleges under "Local School Boards."

To obtain an idea of institution size among legal structures and to determine the "holding power" (defined as the ratio of graduating students to entering students), entered and graduating enrollments were combined by legal structure and program, and the ratios of graduating to entering students were computed. Compensations were made for those legal structures in which more institutions reported on entering than graduating enrollment, and vice versa. The results of these calculations are presented in Table 45. The mean institutional enrollment for academic programs is 992 students with a range from 482 to 1,349. The graduating ratios vary from 0.11 to 0.41 with a mean of 0.21. Mean institutional enrollment for technical students is 342 students ranging from 52 to 761. Graduating ratios vary from 0.16 to 0.29 with a mean of 0.22. For vocational students the mean institutional enrollment is 90 students, ranging from 30 to 137 among legal structures. Graduating ratios vary from 0.22 to 0.51 with a mean of 0.37. Overall, mean graduating ratios for academic and technical programs are approximately equal at 0.21 and 0.22, respectively, whereas the mean graduating ratio for vocational programs is considerably higher. The overall mean institution size is 1,424 students with a low of 564 students under "Universities" and a high of 2,036 students under "Higher Education." The reader is again reminded that while all 144 institutions included in the table reported academic enrollment, not all reported enrollment in the other two programs. Technical and vocational enrollments for a lesser number of institutions are prorated among all institutions.

In part one of the study an analysis of institutional concept based upon statutory interpretation was made on a state-by-state basis to determine whether institutional concept differed among legal structures. (See Tables 8 and 9. Statistical significance of the analysis was slight. A more meaningful analysis was made on an institution-by-institution basis within each legal structure by analyzing enrollment data to determine which of the three programs --academic, technical, or vocational--were offered by each institution. A tabulation of all institutions including observed and expected distributions is contained in Table 46. The different categories in the table are A (academic only), A-T (academic and technical only), A-V (academic and vocational only), and A-T-V (academic, technical, and vocational). The calculated value of chi square for the array is 34.71, which, with fifteen degrees of freedom, exceeds the 30.59 required for significance at the one per

Table 45. Mean Institutional Enrollments Based Upon Entering and Graduating Enrollments in Academic, Technical, and Vocational Programs, and Ratios of Graduating to Entering Students

Legal Structure	No. of Inst.	Academic		Technical		Vocational		Mean Total Enroll-ment
		Mean Enroll.	Grad. Ratio[a]	Mean Enroll.	Grad. Ratio	Mean Enroll.	Grad. Ratio	
Higher Education	27	1,209	0.18	761	0.21	66	0.34	2,036
Universities	12	482	.25	52	.29	30	.22	564
Sep. Bd.--L.C.	18	1,349	.14	380	.16	70	.58	1,799
Sep. Bd.--N.L.C.	14	767	.41	110	.28	137	.25	1,014
St. Bd. Ed.--Tr.	31	560	.11	311	.17	82	.51	953
Local Sch. Bds.	42	1,238	.16	240	.18	123	.32	1,601
Total/Mean	144	992	0.21	342	0.22	90	0.37	1,424

[a] The reader is cautioned that graduating ratio is not defined as the number of students entering a program divided into the number of the same group of students graduating one or two years later but is the number of students entering in the fall of 1967 divided into the number graduated that year. The ratio calculated herein is somewhat deflated in value in that it does not consider such factors as increased hrollment in the entering class as compared to the enrollment in the graduating class or the new programs which may have been added. Nevertheless, the values calculated are sufficiently low to cause concern and would continue to be comparatively low even if such factors were considered.

Table 46. Observed and Expected Distributions of Program Offerings among Two-Year Colleges[a]

Legal Structure	A		A-T		A-V		A-T-V		Total
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	
Higher Education	2	4.07	18	10.66	4	3.49	7	12.79	31
Universities	4	2.10	7	5.50	2	1.80	3	6.60	16
Sep. Bd.--L.C.	2	2.62	4	6.87	3	2.25	11	8.25	20
Sep. Bd.--N.L.C.	3	1.97	2	5.16	3	1.69	7	6.19	15
St. Bd. Ed.--Tr.	1	4146	7	11.69	2	3.82	24	14.02	34
Local Sch. Bds.	9	5.78	17	15.12	4	4.95	14	18.15	44
Total	21		55		18		66		160
Per Cent of Total	13.13		34.37		11.25		41.25		100

[a] Differences significant at the 0.01 level.

cent level. For the most part these findings confirm the findings of part one in that there is a decided tendency for institutions under "Higher Education" to offer academic programs only or all three programs less often than expected and to offer academic-technical programs much more often than expected. There is also a tendency in institutions in the "Universities" category not to offer vocational programs. Conversely, under "State Board of Education--Trustees," academic only and academic-technical institutions are found less frequently than expected and comprehensive institutions offering all programs are found much more frequently than expected. Academic only institutions are found more frequently than expected under "Local School Boards," and comprehensive institutions less frequently. As one would expect, the dictates of the laws analyzed in part one correlate highly with the end product, the operational institution.

Tuition

As presented to the public and to potential students, one of the main attributes of the "community college" is the moderate cost of attendance. Most are commuting institutions, and tuition and fees may well constitute the greatest cost of attending. To determine whether differences in tuition rates among legal structures for the various programs were significant, an analysis of mean tuition and fee charges for academic, technical, and vocational programs was made. Analysis of variance was used to determine whether significant differences existed either among legal structures with respect to a particular program or within a legal structure among tuition rates of the academic, technical, and vocational programs. The results of this analysis including mean tuition charges are contained in Table 47. The mean tuition charged for academic programs was found to be $263 with a low of $211 and a high of $366, and the difference among means is statistically significant at the five per cent level. Tuition for technical programs for all legal structures averaged $261 with a low of $200 and a high of $379. Again, difference among means is significant at the five per cent level. Tuition charges for vocational programs ranged from $187 to $487 with a mean of $265. Mean differences were not significant at the five per cent level even though the range from maximum to minimum is greater than for the other two programs. This lack of significance can be attributed to a much smaller number of institutions offering vocational programs and, perhaps, more variance within legal structures. Differences within legal structures were not found to be significant, but again the smallness of sample size within each legal structure has some bearing on the matter.

Entrance Requirements and Remedial Instruction

Many two-year colleges proclaim an "open door" policy whereby, theoretically, anyone who has reached a certain age may enroll if he wishes. Practically, most educators realize that certain programs must carry certain prerequisites if standards are to be maintained and failure rates minimized. Where internal restrictions are placed upon enrollment in a particular curriculum or program, remedial programs must be offered or the "open door" becomes a "revolving door."

To determine the relationship between enrollment restrictions and the presence of remedial instruction among legal structures, four questions were posed on the questionnaire. Each institution was asked to indicate whether a high school diploma or its equivalent was required for enrollment in the various programs, whether restrictions in addition to a high school diploma were placed upon enrollment, whether remedial instruction was provided prior to acceptance as a regularly enrolled student, and finally, whether remedial instruction was provided for students regularly enrolled. Analyses of the responses to these questions are discussed in the following paragraphs.

Table 47. Mean Academic-Year Tuition Costs for Academic, Technical, and Vocational Programs

Legal Structure	Academic Programs[a]		Technical Programs[a]		Vocational Programs[b]		F-Ratio
	No. Inst.	Tuition	No. Inst.	Tuition	No. Inst	Tuition	
Higher Education	29	$366	24	$379	11	$419	0.10
Universities	15	281	10	356	3	487	2.14
Sep. Bd.--L.C.	21	219	13	270	14	279	0.26
Sep. Bd.--N.L.C.	16	289	8	226	10	233	0.41
St. Bd. Ed.--Tr.	35	211	30	200	27	187	1.51
Local Sch. Bds.	43	233	30	207	18	242	0.37
Total/Mean	159	$263	115	$261	83	$265	
F-ratio	2.34		3.14		2.25		

[a] Differences significant at the 0.05 level.

[b] Differences not significant.

On the question of the requirement of a high school diploma or equivalent for enrollment, analysis showed that for the academic, technical, and vocational programs, respectively, 91.57, 86.11, and 51.38 per cent of all institutions offering these programs responded in the affirmative. Among legal structures, differences in the proportion of institutions requiring high school diplomas in academic and technical programs differed significantly at the one per cent level; for vocational programs the differences were significant at the five per cent level. These data are contained in Table 48. For all programs much of the deviation from the expected occurs under "Universities" and "State Board of Education--Trustees," where fewer institutions than expected require a high school diploma, and under "Higher Education," "Separate Board--Local Control," and "Separate Board--No Local Control," where more institutions than expected require a high school diploma.

When asked if requirements in addition to a high school diploma were imposed, those institutions responding in the affirmative constituted 34.19 per cent for academic programs, 38.06 for technical programs, and 15.38 per cent for vocational programs. Differences among legal structures were not significant for academic or technical programs. For vocational programs, differences were significant at the five per cent level. The observed and expected distributions for these data are displayed in Table 49. Many of the differences in observed and expected frequencies occur under "Higher Education" and "Universities," where more institutions than expected have requirements in addition to a high school diploma, and under "Separate Board--No Local Control," "State Board of Education--Trustees," and "Local School Boards," where fewer institutions than expected require more than a high school diploma for enrollment.

If a two-year college requires a high school diploma, then those who have less are denied entry unless remedial instruction is provided prior to regular enrollment. The same logic applies to requirements in addition to a diploma. To determine whether, on a statistical basis, the institutions raising these barriers provide remedial instruction, and whether provisions for remedial work are made for the regularly enrolled, relevant questions were asked of responding institutions. The tabulations of observed and expected frequencies for the data on remedial provisions prior to acceptance are contained in Table 50. Significant statistical differences were found among legal structures for all programs. For the academic and technical programs, the differences were significant at the 0.10 per cent level; significance for vocational programs was at the 5 per cent level. For academic, technical, and vocational programs, respectively, 41.23, 41.67, and 22.22 per cent of responding institutions indicated provisions for remedial instruction prior to regular enrollment. Across all programs much of the deviation from the expected occurred under "Higher Education" and "State Board of Education--Trustees," where provisions were made for remedial instruction prior to acceptance much more frequently than expected. The

Table 48. Observed and Expected Distributions of Two-Year Colleges Requiring and Those Not Requiring a High School Diploma or Equivalent for Enrollment

Legal Structure	Academic[a]				Technical[b]				Vocational[b]			
	Required		Not Required		Required		Not Required		Required		Not Required	
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.
Higher Education	32	30.22	1	2.78	27	24.97	2	4.03	11	7.19	3	6.81
Universities	12	15.57	5	1.43	9	12.92	6	2.08	2	5.14	8	4.86
Sep. Bd.--L.C.	19	17.40	0	1.60	14	13.78	2	2.22	7	8.22	9	7.78
Sep. Bd.--N.L.C.	16	14.65	0	1.35	9	8.61	1	1.39	9	5.65	2	5.35
St. Bd. Ed.--Tr.	30	32.96	6	3.04	29	31.00	7	5.00	14	15.41	16	14.59
Local Sch. Bds.	43	41.20	2	3.80	36	32.72	2	5.28	13	14.39	15	13.61
Total	152		14		124		20		56		53	
Per Cent Of Total	91.57		8.43		86.11		13.89		51.38		48.62	

[a] Differences significant at the 0.01 level.

[b] Differences significant at the 0.05 level.

Table 49. Observed and Expected Distributions of Two-Year Colleges Requiring and Those Not Requiring Qualifications in Addition to a High School Diploma

Legal Structure	Academic[a]				Technical[a]				Vocational[b]			
	Provided		Not Provided		Provided		Not Provided		Provided		Not Provided	
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.
Higher Education	14	10.60	17	20.40	15	10.28	12	16.72	5	2.00	0	11.00
Universities	5	5.47	11	10.53	5	4.95	8	8.05	3	1.38	6	7.62
Sep. Bd.--L.C.	9	6.84	11	13.16	7	6.47	10	10.53	3	2.78	15	15.23
Sep. Bd.--N.L.C.	4	5.47	12	10.53	3	3.80	7	6.20	0	1.69	11	9.30
St. Bd. Ed.--Tr.	9	10.94	23	21.06	8	11.80	23	19.20	3	4.15	24	22.85
Local Sch. Bds.	12	13.68	28	26.32	13	13.70	23	22.30	2	4.00	24	22.00
Total	53		102		51		83		16		88	
Per Cent of Total	34.19		65.81		38.06		61.94		15.38		84.62	

[a] Differences not significant.

[b] Differences significant at the 0.05 level.

Table 50. Observed and Expected Distributions of Two-Year Colleges Providing and Those Not Providing Remedial Instruction Prior to Acceptance

Legal Structure	Academic[a]				Technical[a]				Vocational[b]			
	Provided		Not Provided		Provided		Not Provided		Provided		Not Provided	
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.
Higher Education	17	9.88	7	14.12	14	8.33	6	11.67	3	2.22	7	7.78
Universities	2	4.95	10	7.05	1	4.17	9	5.83	2	1.78	6	6.22
Sep. Bd.--L.C.	0	4.54	11	6.46	0	4.17	10	5.83	0	2.22	10	7.78
Sep. Bd.--N.L.C.	3	4.54	8	6.46	2	2.50	4	3.50	1	1.33	5	4.67
St. Bd. Ed.--Tr.	16	8.66	5	12.34	14	8.33	6	11.67	7	3.33	8	11.67
Local Sch. Bds.	9	14.43	26	20.57	9	12.50	21	17.50	3	5.11	20	17.89
Total	47		67		40		56		16		56	
Per Cent of Total	41.23		58.77		41.67		58.33		22.22		77.78	

[a] Differences significant at the 0.001 level.

[b] Differences significant at the 0.05 level.

four remaining legal structures made provisions less frequently than expected.

Remedial instruction for the regularly enrolled was provided by 85.21 per cent of all institutions for academic programs, by 87.10 per cent for technical programs, and by 72.34 per cent for vocational programs. Differences among legal structures were not statistically significant. These data are contained in Table 51.

Finally, one measure of the comprehensiveness of an institution is the presence or absence of general adult education and community service programs. Responses to this question are contained in Table 52. Of the 162 institutions responding to this question, 146 (90.12 per cent) indicated the presence of such programs. Differences among legal structures are significant at the ten per cent level. Deviations from the expected occur primarily under "Higher Education," where a few more institutions than expected provide such programs, and "Separate Board--No Local Control," where fewer than expected have such offerings.

Table 51. Observed and Expected Distributions of Two-Year Colleges Providing and Those Not Providing Remedial Instruction for the Regularly Enrolled

Legal Structure	Academic[a]				Technical[a]				Vocational[a]			
	Provided		Not Provided		Provided		Not Provided		Provided		Not Provided	
	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.	Obs.	Exp.
Higher Education	24	22.15	2	3.85	22	20.90	2	3.10	8	8.68	4	3.32
Universities	11	11.94	3	2.06	12	12.19	2	1.81	6	5.79	2	2.21
Sep. Bd.--L.C.	16	15.34	2	2.66	14	13.94	2	2.06	11	10.85	4	4.15
Sep. Bd.--N.L.C.	13	13.63	3	2.37	9	7.84	0	1.16	8	7.23	2	2.77
St. Bd. Ed.--Tr.	26	23.86	2	4.14	26	24.39	2	3.61	18	17.36	6	6.64
Local Sch. Bds.	31	34.08	9	5.92	25	28.74	8	4.26	17	18.09	8	6.91
Total	121		21		108		16		68		26	
Per Cent of Total	85.21		14.79		87.10		12.90		72.34		27.66	

[a] Differences not significant.

Table 52. Observed and Expected Distributions of Two-Year Colleges Providing and Those Not Providing Adult Education and Community Service Programs[a]

Legal Structure	Providing Programs		Not Providing Programs		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	30	27.94	1	3.06	31
Universities	17	17.12	2	1.88	19
Sep. Bd.--L.C.	19	18.93	2	2.07	21
Sep. Bd.--N.L.C.	11	14.42	5	1.58	16
St. Bd. Ed.--Tr.	30	29.74	3	3.26	33
Local Sch. Bds.	39	37.85	3	4.15	42
Total	146		16		162
Per Cent of Total	90.12		9.88		100

[a] Differences significant at the 0.10 level.

Institutional and Financial Data

Institutional Data

To provide information concerning the individual institution, data were requested on the date of the first enrollment of full-time students, whether the institution shared facilities with a public school, and the number of chief administrators who had directed the institution. These questions were posed to determine whether differences exist among legal structures as to mean institutional age, the sharing of facilities with public schools, and the mean tenures of past and present chief administrators.

Analysis of the data showed that of the 169 institutions responding, only 31 (18.34 per cent) shared facilities with public schools. The extent of the sharing was not requested, but from comments added it appears that the sharing varied from the sharing

of a gymnasium to the complete sharing of all facilities. Chi square analysis of the data on shared facilities yielded a value of 10.11, which, with 5 degrees of freedom, is significant at the 10 per cent level. The observed and expected frequencies of this analysis are shown in Table 53. Major deviations from the expected occur under "Higher Education," where fewer institutions than expected share facilities, and under "Universities," where a larger number than expected share facilities.

Table 53. Observed and Expected Distributions of Institutions Sharing and Those Not Sharing Facilities with Public Schools[a]

Legal Structure	Facilities Shared		Facilities Not Shared		Total
	Obs.	Exp.	Obs.	Exp.	
Higher Education	2	5.68	29	25.32	31
Universities	8	3.48	11	15.51	19
Sep. Bd.--L.C.	4	4.04	18	17.96	22
Sep. Bd.--N.L.C.	4	2.94	12	13.07	16
St. Bd. Ed.--Tr.	7	6.79	30	30.21	37
Local Sch. Bds.	6	8.07	38	35.93	44
Total	31		138		169
Per Cent of Total	18.34		81.66		100

[a] Differences significant at the 0.10 level.

The questions on institutional age and the number of chief administrators who had served were considered simultaneously. By dividing the mean age of institutions in each legal structure by the mean number of administrators who had served therein, a mean tenure for all present and past chief administrators was derived. Mean institutional age, mean number of administrations, and mean length of administration are presented in Table 54. Analysis of

Table 54. Means for Institutional Age, Numbers of Chief Administrators To Have Served, and Terms of Administrators (All Values in Years)

Legal Structure	No. of Inst.	Institutional Age[a]	No. of Chief Adms.[a]	Term of Office
Higher Education	27	11.22	2.54	4.42
Universities	17	10.82	2.71	3.99
Sep. Bd.--L.C.	20	27.00	4.80	5.63
Sep. Bd.--N.L.C.	15	13.33	2.60	5.13
St. Bd. Ed.--Tr.	29	5.66	1.97	2.87
Local Sch. Bds.	38	21.89	3.62	6.05
Total/Mean	146	15.23	3.02	5.04
F-ratio		5.58	4.04	

[a] Differences significant at the 0.01 level.

variance calculations yielded F-ratios of 5.58 and 4.04, respectively, when means for institutional age and numbers of chief administrators who had served were compared among legal structures. Each value indicates that mean differences are significant at the five per cent level. From the table it can be seen that mean institutional age varies from 5.66 to 27.00 years with an overall mean of 15.23 years. These differences in mean institutional age may account for a portion of the differences in tenure of present chief administrators previously discussed in conjunction with the data presented in Table 15, although the order of tenure of present chief administrators does not match exactly the order of institutional age. By far the smallest mean in each case is in the legal structure "State Board of Education--Trustees." Mean term of office for all administrators who had served in a legal structure varies from 2.87 (again for "State Board of Education--Trustees") to 5.63 years, with an overall mean of 5.04 years. Since these values are derived, no attempt has been made to ascertain the significance of differences.

Financing

In part one of the study it was found that statutory provisions for financing two-year colleges were so differently, and often nebulously, stated that they precluded analysis. To provide information on the financing of operating expenses and capital outlay costs, each institution was asked to indicate the percentage of funds derived from various sources for the operation of academic, technical, vocational, and adult education programs and to indicate the percentage of funds for capital outlay derived from various sources.

The financial data provided by the questionnaire were difficult to analyze. Many discrepancies were found causing much of the data to be rejected, and values given were so sporadic that they precluded statistical analysis. Indications were that financial information for an individual institution was difficult to analyze in terms of source. For these reasons, only means for the various sources of funds were calculated.

Table 55 contains the percentages of operating funds within the various legal structures attributed to federal, state, and local government, tuition, and other sources for academic, technical, vocational, and adult education programs. Federal funds account for 2.86, 9.66, 13.18, and 13.63 per cent of expenses incurred in the operation of academic, technical, vocational, and adult education programs, respectively. Within each legal structure these percentages vary markedly for each of the programs. Overall, state funds account for 56.39, 58.08, 51.01, and 34.05 per cent of expenses incurred in the respective programs, with extremely large variations among legal structures for all programs. For the respective programs, local funds account for 27.43, 21.97, 27.45, and 27.91 per cent of operating expenses. Again, large variations are found among legal structures for all programs. For academic, technical, vocational, and adult education programs, tuition accounts respectively for 11.63, 9.32, 7.24, and 24.03 per cent of operating expenses. Other sources of funds account for a small proportion of operating expenses, ranging from 0.37 to 2.69 per cent among programs. The major differences noted among programs are the variations in percentages of federal funds allocated to academic programs compared to the other programs; the comparatively small percentage of state funds going to adult education; and the large proportion of operating expenses for adult education derived from tuition. Local funds for all programs tend to be around 25 per cent of all operating expenses. Even without statistical comparisons, it is clear that these differences are significant. Further, the differences among legal structures for all programs are marked, particularly with respect to differences in the proportions of state and local funds.

As is depicted in Table 56, federal, state and local funds were found to account for over 96 per cent of all capital outlay funds.

Table 55. Mean Percentages of Operating Expenses Derived from Federal, State, and Local Funds, Tuition, and Other Sources--by Program

Legal Structure	No. of Inst.	Percentage of Funds from each Source				
		Federal	State	Local	Tuition	Other
Academic Programs						
Higher Education	27	0.47	48.04	28.05	21.88	1.56
Universities	16	4.07	87.50	3.63	3.33	1.47
Sep. Bd.--L.C.	21	7.72	35.19	44.53	6.83	5.73
Sep. Bd.--N.L.C.	15	1.47	97.53	- -	1.00	- -
St. Bd. Ed.--Tr.	28	1.29	56.80	27.97	12.30	1.64
Local Sch. Bds.	34	3.11	42.97	39.25	14.50	0.17
Mean	141	2.86	56.39	27.43	11.63	2.69
Technical Programs						
Higher Education	12	1.67	38.77	34.99	24.39	0.18
Universities	8	19.13	79.62	- -	- -	1.25
Sep. Bd.--L.C.	10	24.70	37.50	35.90	1.90	- -
Sep. Bd.--N.L.C.	7	1.71	97.57	- -	- -	0.72
St. Bd. Ed.--Tr.	22	6.18	54.98	25.68	11.57	1.49
Local Sch. Bds.	5	10.00	71.60	12.40	6.00	- -
Mean	64	9.66	58.08	21.97	9.32	0.78
Vocational Programs						
Higher Education	6	5.00	44.94	27.44	20.77	1.85
Universities	4	37.75	46.00	6.25	- -	10.00
Sep. Bd.--L.C.	9	24.11	36.67	39.00	0.22	- -
Sep. Bd.--N.L.C.	6	9.67	90.33	- -	- -	- -
St. Bd. Ed.--Tr.	21	10.38	56.99	22.70	9.21	0.72
Local Sch. Bds.	13	7.98	37.48	46.31	8.23	- -
Mean	59	13.18	51.01	27.45	7.24	1.12
Adult Education Programs						
Higher Education	13	1.00	27.51	21.51	49.20	0.78
Universities	10	9.10	56.70	27.20	5.00	2.00
Sep. Bd.--L.C.	11	28.36	24.82	13.45	33.37	- -
Sep. Bd.--N.L.C.	8	- -	26.88	37.50	35.62	- -
St. Bd. Ed.--Tr.	23	11.70	48.06	23.89	16.35	- -
Local Sch. Bds.	16	26.19	15.00	44.50	14.31	- -
Mean	81	13.63	34.05	27.91	24.03	0.37

Table 56. Mean Percentages of Capital Outlay Derived from Federal, State, and Local Funds and Other Sources

Legal Structure	Number of Inst.	Source and Percentage from Each Source			
		Federal	State	Local	Other
Higher Education	25	17.38	39.00	42.76	0.86
Universities	13	20.00	62.31	17.69	0.00
Sep. Bd.--L.C.	17	14.41	23.47	54.65	7.47
Sep. Bd.--N.L.C.	14	19.14	68.36	12.50	0.00
St. Bd. Ed.--Tr.	33	19.73	28.88	45.64	5.75
Local Sch. Bds.	38	12.55	43.61	39.63	4.21
Grand Mean	140	16.68	41.08	38.68	3.52

For all legal structures the mean proportions for federal, state, and local funds, respectively, are 16.88, 41.08, and 38.68 per cent. Among legal structures the proportion of federal funds ranges from 12.55 per cent for "Local School Boards" to 20.00 per cent for "Universities." State contributions range from 23.47 per cent for "Separate Board--Local Control" to 68.36 per cent for "Separate Board--No Local Control." Worth nothing here is that both extremes occur under separate state boards for two-year colleges. Conversely, local contributions were least for "Separate Board--No Local Control" at 12.50 per cent, and greatest for "Separate Board--Local Control" at 54.65 per cent.

Summary

The purpose of the study, for which analyses were presented in this chapter, was to ascertain whether differences among six legal structures, as defined in a previous chapter, existed in terms of certain institutional inputs and outputs. Variables examined were age, tenure, past experience, and academic qualifications of chief administrators and deans of instruction; sources, academic qualifications, tenure, and rank of academic faculty; student enrollment in and graduation from academic, technical, and vocational programs;

qualifications for enrollment in various programs, and the presence or absence of remedial instruction either prior to regular enrollment or for the regularly enrolled; institutional age, number of chief administrators who had served, and whether facilities were shared with public schools; sources of operating funds for various programs; and sources of capital outlay funds.

For chief administrators, significant differences were found to exist among legal structures concerning tenure in office; the proportion of chief administrators secured from public schools, two-year colleges, and four-year colleges; the proportion of chief administrators holding either a doctor's or master's degree as the highest degree held; and the proportion of chief administrators holding either the Doctor of Education or Doctor of Philosophy degree.

Statistically significant differences among legal structures in terms of the dean of instruction position were not so numerous as those for chief administrator, although the same variables were considered. The most significant difference found was in the consideration of whether a position of dean of instruction existed. The only significant difference for deans of instruction among legal structures was in mean age.

Several significant differences were found to exist among legal structures for academic faculty. Significant differences exist in the proportion of academic faculty secured from public schools, two-year colleges, four-year colleges, graduate schools, and business and industry; the proportion holding doctor's master's, and bachelor's, and less than bachelor's degrees; the proportion of department heads holding a dcotor's, master's, or bachelor's degree as the highest degree held; the presence or absence of tenure provisions and the mean number of years required to attain eligibility for tenure; the presence or absence of faculty rank; and the mean percentage of academic faculty holding the rank of professor.

Differences in student enrollment and course offerings among legal structures were found to be significant on several points of comparison. Significant differences exist in the proportion of students enrolled in academic, technical, and vocational programs; the proportion of institutions offering academic only, academic-technical, academic-vocational, or academic-technical-vocational programs; tuition rates for academic and technical programs; the requirement of a high school diploma or its equivalent for enrollment; the requirement of qualifications in addition to a high school diploma for enrollment in vocational programs; the presence or absence of remedial instruction prior to acceptance as a regularly enrolled student; and, finally, the presence or absence of adult education and community service programs.

Significant institutional differences among legal structures were found to exist in the sharing or not sharing of facilities

with public schools; mean institutional age; and the mean number of chief administrators who had served an institution.

The data on the financing of operating expenses for academic, technical, vocational, and adult education programs and the financing of capital outlays were considered to be so unreliable and to differ so much from a normal distribution as to preclude statistical analysis. For each legal structure the mean proportions of operating expenses derived from federal, state, and local funds, tuition, and other sources were presented in tabular form for each different instructional program. Among the different legal structures, marked differences in the proportion of funds secured from the various sources were found in all programs. Also, substantial differences in the proportion of federal, state, and local funds, and tuition spent on academic, technical, vocational, and adult education programs were found to exist. The proportion of federal funds spent on capital outlay was fairly constant among legal structures, ranging from 12 to 20 per cent, but state and local funds spent on capital outlay were found to differ to such an extent as to minimize doubt as to the significance of the differences. Among the legal structures the proportion of state funds varied from 23 to 68 per cent, and the proportion of local funds varied from 13 to 55 per cent.

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

In the introduction to this study, its purposes were described as two-fold. The first purpose was, using the method of constitutional and statutory analysis, to determine the number and type of categories required to describe the various approaches to legal structure for two-year colleges, to define the legal variables which differentiated one system from another, and to ascertain legislative trends regarding legal structures for two-year colleges. The second purpose was to develop quantifiable criteria to measure inputs and outputs of institutions operating under the various legal structures, and having determined approximate criteria, to collect and analyze data from operating institutions in order to ascertain by which of the criteria institutions differed among the previously defined legal structures.

The first part of the study, the constitutional and statutory analysis, was done without benefit of precedent. Review of the literature yielded only one study of statutory analysis, and this was a historical study of the evolution of two-year college law. No study of the constitutional basis of law for two-year colleges was found.

The constitutionality of laws for two-year colleges has been repeatedly upheld by the courts, although only six state constitutions refer specifically to such institutions. The constitutional basis cited by the courts is the plenary power of state legislatures in the absence of constitutional restrictions. The major constitutional implication for two-year colleges lies not in the fact that such institutions are seldom mentioned, but in the restrictive wording of some state constitutions. When constitutional wording is so specific as to name the types of institutions which shall be considered public and the clientele who shall attend such schools, changing educational needs cannot readily be acted upon by state legislatures. Several instances of the need for constitutional amendment to allow legislatures the freedom to establish two-year colleges were found in the study, but the process of constitutional amendment is slow, and amendments are subject to defeat. Such instances support those who contend that constitutions should be general and positive in nature leaving to the respective legislatures the discretion and the authority to interpret such provisions in light of contemporary and changing needs.

Ordinarily, the legal concept of two-year colleges is that such institutions are an appendage of either higher education or the public school system, or that they form a separate entity

with a separate state governing board. The statutory analysis of this study indicated that such a three-way classification is insufficient to account for the differences in legal structure which exist among the states having laws for two-year colleges. A minimum of seven different categories was considered essential for proper differentiation, and even then not all the categories were mutually exclusive, nor could all the states be readily classified under one structure or another.

From the statutory analysis of institutional concept, state control, local control, establishment procedures, and financing, and from the subsequent study of chief administrators, deans of instruction, academic faculty, student enrollment program offerings, and financing, certain patterns have emerged which, when taken collectively, tend to identify uniquely the six of the seven different legal structures which were adopted as a result of the first part of the study and continued into the second part of the study. On this basis, the categories used in the study appear justified.

Using the knowledge obtained from the study, the following paragraphs define the characteristics of each of the six legal structures considered in both the first and second parts of the study.

Two-Year Colleges as a Part of a Statewide System of Higher Education

The legal structure "Higher Education" as often as not represents an initial legislative effort enacted around 1950 or later. If not initial legislation, the superceded legal structure was most often the state board of education--local school board type. Statutory provisions for the system are ordinarily well-defined in terms of the criteria analyzed in this study. The institutional concept, both in statute and in fact, is primarily academic-technical in orientation. The local board of control tends to be appointed more often than elected and tends to be larger in size than boards in other systems. At the institutional level several variables were identified which characterize this legal structure. The institutions themselves tend to be larger than those in other legal structures, a larger proportion of chief administrators and academic faculty hold earned doctorates, and the chief administrators hold a higher percentage of Doctor of Philosophy degrees than would be expected. Provisions for tenure and faculty rank are much more prevalent than in most legal structures, and state certification requirements are non-existent. For students, the requirement of a high school diploma and additional entrance requirements are found more often than in other legal structures, but at the same time, remedial instruction prior to regular enrollment is more prevalent. Student tuition is higher than for any other legal structure and is higher for technical and vocational programs than for the academic program. Financial

provisions in this structure are not markedly different from the mean for all structures.

Two-Year Colleges Under State Colleges or Universities

The legal structure "Universities" is perhaps unique among the six considered. In every state but one the statutory provisions represent original legislation, and in all states but one the statutes were enacted after 1950. Local control is minimal or non-existent and the controlling board of the parent institution is the board of control. Statutory provisions tend to be very brief, leaving to the board of control what amounts to almost absolute authority. Institutions in this structure are most often established by the state legislature or at the discretion of the board of control with little local participation. Institutions in this structure are most often established by the state legislature or at the discretion of the board of control with little local participation. Institutions in this structure tend to be heavily academically oriented, and approximately one-third of the mean institutional size for all structures. Further, the mean number of institutions for a state in this structure is half that of the mean of all the states considered. At the institutional level, the proportion of chief administrators holding a doctorate is much less than expected, deans of instruction are much younger and less experienced in administration, and the position of dean of instruction exists less often than in any other legal structure. Chief administrators tend to come from public school systems much more frequently than expected, and a larger proportion of the academic faculty than expected comes directly from graduate schools. For the academic faculty, certification is not required. Tenure and faculty rank are provided much more frequently than expected; but no faculty member in this structure was found to hold the rank of professor, and one state was found to use a modified rank system of "instructor" and "senior instructor." Student tuition tends to be high, and more progressively so for technical and vocational programs. Tuition in vocational programs was the highest of any of the legal structures. While requiring a high school diploma and additional requirements for admittance about as frequently as expected, institutions in this structure provide remedial instruction prior to regular enrollment much less frequently than expected. As would be expected, extraordinarily high percentages of operating and capital outlay expenses come from state funds, but federal funds account for over one-third of the operating expenses for vocational programs--by far the highest among the legal structures. Finally, the proportion of institutions in this legal structure sharing facilities with high schools is by far the largest among the structures.

Two-Year Colleges Under a Separate State Board--With Local Boards of Trustees

Of the six states in the legal structure "Separate Board--Local Control," the statutes of only one represent original legislation. The other five states evolved from state board of education control. Only one enactment in this structure predates 1950, and four of the enactments occurred in or after 1960 with three of the four occurring in the last three years. Local boards of trustees in this structure are smallest of all structures having separate local boards, averaging less than seven in number, and these boards are, with one exception, elected rather than appointed. Establishment criteria which characterize this legal structure are the initiation of a local petition, a minimum tax base, and a vote of the qualified electors of the proposed district. At the institutional level, this legal structure is less differentiated from the mean for all institutions than are the two legal structures previously discussed. Slightly more chief administrators than statistically expected come from two-year colleges, and a larger proportion have only a master's degree. No distinguishing characteristic was noted for deans of instruction. For the academic faculty, the most distinguishing characteristic is the exceedingly large proportion coming from public schools, a proportion which is contrary to that of the chief administrators. Tenure is provided the academic faculty much less frequently than expected, and only two of 17 institutions were found to have faculty rank, a substantially lower number than expected. Student enrollment tends to be somewhat greater in academic programs and somewhat less in technical programs than expected. Vocational enrollment is much smaller than expected although a larger number of institutions than expected reported offering academic, technical, and vocational programs. Mean institutional age in this structure is 27 years--by far the oldest mean among the legal structures. Another identifying characteristic of this structure is the comparatively large proportion of operating and capital outlay costs borne by local government. State funds account for one-third or less of operating expenses for all programs, whereas local funds account for one-third to one-half. Fifty-five per cent of capital outlay costs are borne by local government, compared to less than 24 per cent from state funds. The local contribution is a full ten per cent larger than for any other legal structure.

Two-Year Colleges under a Separate State Board--No Local Control

The legal structure "Separate Board--No Local Control" has enough identifying characteristics to warrant differentiation from the preceding structure which also has a separate state board, but with local control. None of the statutory provisions in this legal structure represents original legislation. In four of the five states herin, prior state control was vested in the state board of

education, but in only two states was local control vested in local school boards. With one exception, the evolution of this legal structure has taken place within the last six years, and none predates 1958; so a major identifying mark of this structure is newness. Another characteristic which identifies this structure is the establishment procedure. In every instance the sole criterion for establishment is the discretion of the state board of control, a great concentration of power. At the institutional level, this structure is characterized by more chief administrators than expected having only a master's degree and, of those holding a doctorate, the Doctor of Philosophy degree being held by a greater proportion than expected. The sources of academic faculty are proportioned as statistically expected, but only about half the number expected hold an earned doctorate, a fact which is equally true for department heads. Every institution in this structure which responded reported the provision of tenure, compared to around 74 per cent of all institutions, a highly significant difference. Conversely, faculty rank was reported much less frequently than expected, but where used it was reported that over 13 per cent of the faculty held the rank of professor, approximately twice the proportion found in any other structure. In terms of student enrollment, the proportion of academic students is about as expected, but technical enrollment is only half that expected and vocational enrollment over double the expected--a characteristic not found in any other legal structure. In fact this legal structure contains the highest percentage of vocational enrollment of the six legal structures. Tuition costs in this structure approach the mean, but contrary to the three structures previously discussed, technical and vocational tuition are lower than that for academic programs. Adult education and community service programs in this structure are offered with much lower frequency than expected. Another major difference of this legal structure is in financial support. For academic, technical, and vocational programs, state support varies from 97 to 90 per cent, with no local participation. Conversely, for adult education, state participation amounts to only 27 per cent, whereas local funds account for over 37 per cent. Tuition account for the balance. Capital outlay is also financed primarily by state support which accounts for over 68 per cent of all funds, again the highest among all legal structures. Local funds are the lowest at less than 13 per cent.

Two-Year Colleges Under a State Board of Education--With Local Boards of Trustees

In legal concept, the structure "State Board of Education--Trustees" represents, in part, an evolution at the local level from control by local school boards to control by separate trustees without a corresponding change in state-level control. This is the case for five of nine states. Such a structure represents original legislation in only two states. In two other states there was a

transition from control by a board of higher education to the present structure. The present legal structure has been enacted since 1960 in seven of the nine states. Statutes in this structure are usually specific and definitive with regard to responsibility and authority. Establishment of institutions under this structure is most often predicated upon the initiation of a local petition, approval by the state board of education, and a vote of the qualified electors. Local boards of control are elected much more frequently than appointed, and they average over eight members. Institutions in this legal structure tend to be comprehensive in program offerings, both in statutory concept and in enrollment. Chief administrators tend to come from other two-year colleges with more frequency than expected, and a larger portion than expected have an earned doctorate. A larger proportion of institutions than expected also have the position of dean of instruction. Academic faculty tend to come from public school systems much less frequently and from other two-year colleges much more frequently than expected. Faculty members with an earned doctorate appear to have a better chance of becoming department heads than in most other structures. Certification or course-degree requirements are the rule, and tenure is provided much less frequently than expected. The incidence of faculty rank is almost identical to the expected. In terms of student enrollment, institutions in this legal structure have substantially less academic and substantially more technical and vocational enrollment than expected. At approximately 58 per cent, academic enrollment in this structure is lowest of the six, whereas technical and vocational enrollments, at over 30 and 12 per cent, respectively, are second highest of any legal structure. Student tuition is lowest of all the legal structures and is progressively lower for technical and vocational programs. Institutions in this structure also provide remedial instruction in all curricular programs much more frequently than expected, and are, therefore, in this respect more representative of the "open door" concept than those in any other legal structure. Institutions in this structure are also by far the youngest, with a mean age of less than six years. State support constitutes approximately 50 per cent of operating expenses in all programs, and of all the legal structures this is the only one in which the state supports all programs approximately equally. Local contributions to operating expenses tend to be about 25 per cent, but the local proportion of capital outlay is almost 46 per cent, among the highest.

Two-Year Colleges Operated as a Part of the Public School System

The final legal structure considered in the study is that of two-year colleges operated under "Local School Boards." In all seven states in this category, the present legal structure, which vests control at the local level in local school boards and, with one exception, in the state board of education at the state level, represents original legislation. Again, with one exception, these legislative efforts predate 1940. This structure, then, is the oldest of the six. At the operational level,

both in statute and in fact, institutions in this structure tend to be more academic only and academic-technical in orientation than would be expected. The sources of chief administrators conform very closely to the expected. A slightly larger number than expected hold a doctorate, and of those holding a doctorate a much greater proportion than expected hold the Doctor of Education degree. The position of dean of instruction also exists in more institutions than expected. As might be predicted, more of the academic faculty than expected come from public school systems and fewer from all other sources, and while more of the chief administrators than expected hold an earned doctorate, fewer of the academic faculty than expected hold such a degree. Two of the four states requiring certification of faculty members are contained in this legal structure. Tenure provisions are about as expected, but faculty rank is used in only ten of 45 institutions, the smallest proportion of any legal structure. Student enrollment in academic programs far exceeds the expected, and enrollment in technical programs is not much more than half the expected, whereas vocational enrollment is about that expected. Tuition costs are slightly lower than mean tuition costs for all programs. A high school diploma is required for enrollment slightly more frequently than expected, while at the same time remedial instruction prior to acceptance as a regularly enrolled student is provided with much less frequency than expected. Institutions in this legal structure are among the oldest with a mean age approaching 22 years. In the financing of operating expenses, state and local contributions fluctuate markedly among the programs offered. For academic programs the state contributes around 43 per cent, which jumps to 72 per cent for technical programs and drops to 15 per cent for adult education. Local contributions average 40 per cent for academic programs, drop to 12 per cent for technical programs, and rise to around 45 per cent for vocational and adult education programs. Capital outlay costs are fairly evenly divided between state and local governments.

In conclusion, there are major differences on one basis or another among all the six legal structures analyzed in the study, differences which are quantifiable and statistically measurable. Which of the legal structures is best or most desirable depends upon the philosophical construct of the individual, the needs of the state, and the context of the environment; but one point seems abundantly clear. If one is intent upon providing any of the various curricular programs offered in a two-year college to a large number of people in a state, the one legal structure not to use is that of two-year colleges operated as a downward extension of a four-year college or university. Such two-year colleges suffer by comparison using almost any of the variables analyzed in this study. The statutory framework is most marked by its absence; institutions are very small and few in number; administration and faculty are less academically qualified and less experienced; student tuition is extremly high; and financing is state-dominated and most often dependent upon the board of control or administration of the parent institution. Conversely, if one is

interested in developing comprehensive institutions which serve a varied clientele and are as nearly "all things to all people" as possible, possessing a wide financial base and an administrative staff and faculty which are at least as well qualified academically as the average and which are more likely to bring with them experiences in a two-year college, the legal structure which best fits these criteria is the legal structure which shares control and authority between a state board of education and separate local boards of trustees.

Whichever legal structure one may prefer, a decided trend in legal structure was evidenced in the study. There is a marked trend away from two-year colleges controlled by local school boards and, to a lesser extent, state boards of education. The trend "toward" is less definable. Most original legislation since 1950 tends toward the "Universities" concept or, to a lesser extent, "Higher Education." Most recent legislation which represented an evolution from one legal structure to another was toward a separate state board for two-year colleges, with or without local control. Such legislation has been enacted in eight states since 1960.

Recommendations

Pursuit of a study from the tentative idea stage, through the firm idea stage, through a review of relevant literature, to the final structuring, implementation, data analysis, and reporting stages, develops in the researcher certain insights which impinge upon the problem. These insights are presented as recommendations either to improve upon certain facets of the present study or to use the findings of the present study as a point of departure for other studies. On this basis, the following recommendations are made:

1. A major unknown in the present study lies between the first part of the study, the constitutional and statutory analysis, and the second part of the study, the operational analysis. This unknown is the possible effect rules and regulations of the state-level board of control may have upon the variables measured at the institutional level in this study. A study aimed at this intervening influence seems most desirable.

2. Having little more than insight on which to base hypotheses concerning the direction the variables measured in this study might take, no attempt was made to make a priori predictions of differences. Since statistical levels are influenced by a priori and post mortem predictions, and since directional differences can be subjected to one-tailed rather than two-tailed tests of significance, it is recommended that the findings of this study be used as a basis for prediction in any future studies which might involve the same variables.

3. The statistical techniques used in this study were rather

gross in that only differences among six legal structures were considered and only tendencies from the expected were cited. Subsequent studies should attempt to determine between which of two legal structures the significant differences exist in order to simplify if possible the points of differentiation and illuminate the differences.

4. In the second part of this study, the limitations imposed restricted the legal structure "Separate Board--No Local Control" to the first two states enacting such a structure due to the recent developments of this statutory approach. The first two states, may, in fact, not be representative of the others. As soon as the age of systems comprising this legal structure permits, a study should be made to ascertain the validity of those findings of this study which impinge upon this structure.

5. In addition to variations in the statutory authority accorded state-level boards of control, it was noted that qualifications for board membership fell into at least two distinct categories. The first category prohibited board members from having any affiliation with other state agencies or school systems. The members of such boards could be best described as interested laymen. On the other extreme, some statutory provisions for board membership require that membership be restricted to certain ex officio positions such as superintendent of public instruction, a university president or other positions in state colleges or universities, state department of education officials, state government officials, or, in some instances, positions in the two-year colleges themselves. Such differences were also noted to a lesser extent in the makeup of local boards of control. It is recommended that studies be made to determine the significance of these mutually exclusive approaches to board of control membership.

6. It is quite possible that many variables not considered in this study were acting to cause some of the differences found. For example, if the factor of co-existing and competing schools such as vocational high schools and technical institutes was held constant, what would be the effect upon the variables measured in this study? Or what would be the effect upon the sources of recruitment of academic faculty if faculty salaries, tenure, or rank were held constant? Such studies are needed.

In short, it was the purpose of this study to determine whether differences exist. The conclusion is that differences do exist. The next point of determination should be why such differences exist.

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APPENDIX A

QUESTIONNAIRE FOR TWO-YEAR COLLEGES

I. DATA ON CHIEF ADMINISTRATIVE OFFICER

Instructions: Please check the appropriate categories or fill in the data requested in the blanks below. If the present chief administrative officer is in an acting or temporary capacity, so note and return this part of the questionnaire unanswered.

1. Age to nearest birthday is _____

2. The number of years in present position is _____

3. a. The position occupied immediately before assuming the present position was in:
Public school system (any level K-12 grade). ._____
Junior or community college. . . . . ._____
Four-year college or university. . . . . ._____
Business or industry . . . . . ._____
Other (specify) _____

b. The official title or job classification for the position in 3.a. was:

_____

c. The number of years in the position in 3.a. was _____

4. a. The next-to-last position occupied before assuming the present position was in:
Public school system (any level K-12 grade). ._____
Junior or community college. . . . . ._____
Four-year college or university. . . . . ._____
Business or industry . . . . . ._____
Other (specify) _____

b. The official title or job classification for the position in 4.a. was:

_____

c. The number of years in the position 4.a. was _____

5. For each earned academic degree please check or fill in the appropriate space:
a. Bachelor's degree is: B.A. ____; B.Ed. ____; B.S. ___
Other (specify) _____
Earned from (institution and state) _____

_____

Major field of course work was: _____

b. Master's degree is: M.A. ____; M.Ed. ____; M.S. ____
Other (specify) _____
Earned from (institution and state) _____
_____
Major field of course work was: _____

c. Doctorate is: Ed.D. ____; Ph.D. ____
Other (specify) _____
Earned from (institution and state) _____
_____
Major field of course work was: _____

II. DATA ON DEAN OF INSTRUCTION

Instructions: Please check the appropriate categories or fill in the data requested in the blanks below. If the present dean of instruction (here defined as the administrative officer of the institution whose major responsibility is the administration of instructional programs) is in an acting capacity, so note and return this part of the questionnaire unanswered.

1. Age to nearest birthday is _____

2. The number of years in present position is _____

3. a. The position occupied immediately before assuming the present position was in:
Public school system (any level K-12 grade). . _____
Junior or community college. . . . . _____
Four-year college or university. . . . . _____
Business or industry . . . . . _____
Other (specify) _____

b. The official title or job classification for the position in 3.a. was:
_____

c. The number of years in the position in 3.a. was: _____

4. a. The next-to-last position occupied before assuming the present position was in:
Public school system (any level K-12 grade). . _____
Junior or community college. . . . . _____
Four-year college or university. . . . . _____
Business or industry . . . . . _____
Other (specify) _____

b. The official title or job classification for the position in 4.a. was:
_____

5. For each earned academic degree please check or fill in the appropriate space:
   a. Bachelor's degree is: B.A. ____; B.Ed. ____; B.S.____
      Other (specify) _____
      Earned from (institution and state) _____
      _____
      Major field of course work was: _____
   b. Master's degree is: M.A. ____; M.Ed. ____; M.S. _____
      Other (specify) _____
      Earned from (institution and state) _____
      _____
      Major field of course work was: _____

III. DATA ON ACADEMIC FACULTY

1. The sources of currently employed full-time faculty members <u>including</u> <u>department</u> <u>heads</u> whose primary teaching responsibility is in the academic (college transfer) program were (give total number secured from each source):

	Number
Public school system (any level K-12 grade) . .	_____
Other community or junior colleges.	_____
Four-year colleges or universities.	_____
Graduate schools.	_____
Business or industry.	_____
Other (specify)	_____
_____	_____
_____	_____
_____	_____

2. The highest degree held by currently employed full-time faculty members <u>excluding</u> <u>department</u> <u>heads</u> whose primary teaching responsibility is the academic (college transfer) program were (give total number secured from each source:

	Number
Doctorate	_____
Master's degree	_____
Bachelor's degree	_____
Less than bachelor's degree	_____

3. The highest degree held by <u>department</u> <u>heads</u> whose primary responsibility is in the academic (college transfer) program is (give total number holding each degree):

	Number
Doctorate	_____
Master's degree	_____
Bachelor's degree	_____
Less than bachelor's degree	_____

4. Is state certification required of academic faculty in your institution? Yes _____ No _____

5. If state certification is not required, does the state establish either minimum degree or course requirements for academic faculty? Yes _____ No _____

6. Is tenure granted in your institution? Yes_____ No _____
   If so, after how many years? _____

7. Is faculty rank awarded in your institution? Yes _____ No _____
   If so, indicate the percentage of academic faculty holding each rank:

	Percent
Professor	_____
Associate Professor .	_____
Assistant Professor .	_____
Instructor.	_____

IV. STUDENT AND PROGRAM OFFERING DATA

1. Please indicate below the number of full-time equivalency students (FTE) (as defined in your institution) that enrolled as beginning students in the Fall of 1967 in the academic, technical, and vocational programs respectively. Academic programs are defined as those which are considered to be a part of a baccalaureate curriculum and are designed for transfer to a senior institution. Technical programs are defined as those which are designed primarily to prepare a graduate for entry into gainful employment rather than enrollment in a senior institution, are usually two academic years in length, and usually lead to an associate in science or applied science degree upon successful completion. Vocational programs are defined as those designed to prepare a graduate for entry into a skilled trade or occupation; vocational programs are usually a year or less in length and usually lead to a diploma or certificate upon successful completion

	No. of FTE
Beginning enrollment in academic programs, Fall, 1967	_____
Beginning enrollment in technical programs, Fall, 1967	_____
Beginning enrollment in vocational programs, Fall, 1967	_____

2. For the year 1967-68 (beginning Fall, 1967 and ending at the completion of summer session, 1968), list the number of students completing the requirements for graduation from:

	Number
Academic programs	_____
Technical programs.	_____
Vocational programs	_____

3. Actual cost to full-time students for tuition for an academic year in the respective programs is:

Academic programs	$_____
Technical programs.	$_____
Vocational programs	$_____

4. Is a high school diploma or its equivalent required for enrollment in all the:

Academic programs	Yes_____	No_____
Technical programs	Yes_____	No_____
Vocational programs	Yes_____	No_____

5. Are qualifications in addition to a high school diploma placed upon entry into:

Academic programs	Yes_____	No_____
Technical programs	Yes_____	No_____
Vocational programs	Yes_____	No_____

6. Is remedial instruction offered in your institution prior to acceptance into a program or for the regularly enrolled?

	Prior to Acceptance		Regularly Enrolled	
Academic programs	Yes_____	No_____	Yes_____	No_____
Technical programs	Yes_____	No_____	Yes_____	No_____
Vocational programs	Yes_____	No_____	Yes_____	No_____

7. Does your institution offer general adult or community service programs (defined as nonvocational, noncredit courses for adults other than literacy training)? Yes_____ No_____

V. INSTITUTIONAL AND FINANCIAL DATA

A. Institutional Data

1. This institution enrolled its first full-time day students _____
(mo.) (year)

2. Does this institution share facilities with a public high school, junior high school, or grammar school?
Yes_____ No_____

3. Including the present chief administrative officer, the number of chief administrators who have directed this institution is _____

B. Financial Data

1. To the best of your knowledge, indicate below the percentage of annual recurring operating expenses which are derived from the listed sources for each of the programs below:

	Academic	Technical	Vocational	Adult[54]
Federal funds	_____%	_____%	_____%	_____%
State funds	_____	_____	_____	_____
Local funds	_____	_____	_____	_____
Other (specify)	_____	_____	_____	_____
_____	_____	_____	_____	_____

2. To the best of your knowledge, indicate below the percentage of capital outlay expenses which were derived from the listed sources for existing land, facilities, and original equipment:

Federal funds	_____%
State funds	_____
Local funds	_____
Other (specify)	_____
_____	_____
_____	_____

[54] Defined as noncurricular, nonvocational courses for adults; may include either literacy training, community service, or general enrichment type offerings.

APPENDIX B

CORRESPONDENCE

NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

Box 5314 Zip 27607
Telephone: 755-2496

School of Education
October 4, 1968

Dear President:

Dr. Allan Hurlburt, Professor of Education at Duke University, and I are doing a study of state systems of two-year colleges in an attempt to analyze differences in legal structures and determine whether the prevalent approaches to legal structure may subsequently affect certain instiutional variables such as sources and qualifications of personnel, student enrollment, and financing. To this point the study has included an analysis of statutory provisions for two-year colleges in the various states which has yielded certain information concerning the relationship of two-year colleges to other publicly supported education, powers and method of selection of boards of state and local control, procedures for establishment, and certain information on financing. The purpose of the enclosed questionnaire is to ascertain whether two-year colleges operated under six different concepts of state and/or local control as previously determined in the study differ significantly in terms of the above mentioned institutional variables. The six different concepts of control are two-year colleges operating (1) as a part of a statewide system of higher education; (2) under a state college or university; (3) under a separate state board--with local trustees; (4) under a separate state board--no local control; (5) under a state board of education--with local boards of trustees; and (6) as a part of the local public school system under local school boards. The system of which your institution is a part has been classified under one of the above categories, and we are hereby soliciting your participation by requesting that you provide us with certain data on the academic preparation and work experience of yourself and your dean of instruction as well as other institutional data on sources and academic qualifications of faculty, student enrollment, and financing.

To facilitate answering, the questionnaire is divided into five parts.

Parts I and II must necessarily be answered by you and the dean of instruction respectively, but Parts III through V could be answered by other institutional officials. Also, much of the data requested in Parts III through V are ordinarily available in an institution with little additional tabulation.

You will note that the questionnaire is coded in the upper right corner; all information furnished will be kept confidential as to person and institution. A copy of the findings of the resulting study will be provided all participating institutions.

I realize that you are often called upon to provide such data as I have requested and that the time of you and your staff members is valuable and limited, but the information I have requested is central to our study which, as best I can determine, represents a new approach to analysis of differences among two-year colleges. Will you please, therefore, fill in or have filled in the data requested in the questionnaire and return it in the enclosed, self-addressed and stamped envelope as soon as possible.

Your participation will be greatly appreciated.

Sincerely yours,

Charles F. Ward
Research Instructor

CFW/mr

Enclosure

NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

Box 5314 Zip 27607
Telephone: 755-2496

School of Education
October 24, 1968

Dear President:

On October 4 I mailed to you a letter and a questionnaire requesting certain background information on you and your dean of instruction as well as certain information on academic faculty, students, and financing of your institution. To this date I have not received a reply from you. Since it is possible that the questionnaire was misplaced in the mail or at your institution, I am enclosing a complete set of the materials mailed to you on October 4.

As I indicated in the enclosed cover letter, the institutional data I am requesting is of utmost value to our study, and we are hesitant to draw conclusions based upon an incomplete return. I therefore appeal to you to complete or have completed the enclosed questionnaire and return it to me at your earliest convenience.

Your help in obtaining the data we solicit will be most sincerely appreciated.

Very truly yours,

Charles F. Ward
Research Instructor

CFW/mr

Enclosure

NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

Box 5314 Zip 27607
Telephone: 755-2496

School of Education
November 27, 1968

Dear President

To date I have received completed questionnaires from 155 of 240 two-year colleges in 22 states for a return of approximately 65 per cent. To provide a more substantial base upon which conclusions concerning systems of two-year colleges operating under various legal structures can be made, may we count on you to complete and return the questionnaire mailed to your institution on October 4 and again on October 24?

Sincerely yours,

Charles F. Ward
Research Instructor

CFW/mr